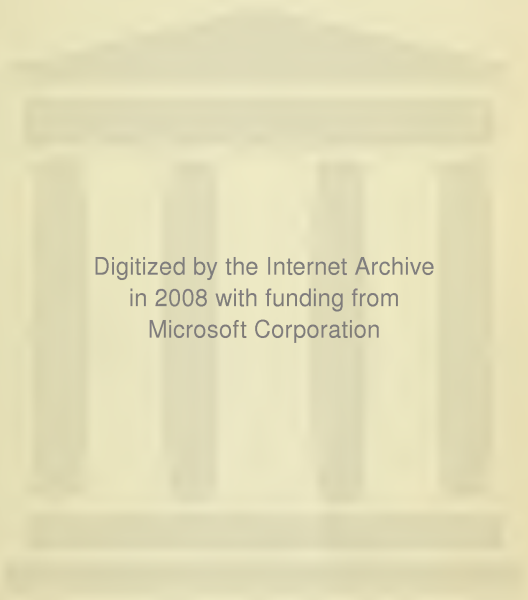


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BIOGRAPHY
OF
MARTIN VAN BUREN,
VICE PRESIDENT
OF THE
UNITED STATES.

WITH AN

APPENDIX,

CONTAINING SELECTIONS FROM HIS WRITINGS, INCLUDING
HIS SPEECHES IN THE SENATE OF THE UNITED STATES
ON THE CLAIMS OF THE SOLDIERS OF THE REVO-
LUTION, AND IN FAVOR OF ABOLISHING IM-
PRISONMENT FOR DEBT—WITH OTHER
VALUABLE DOCUMENTS, AMONG
WHICH WILL BE FOUND THE
LATE LETTER OF
COLONEL THOS. H. BENTON,
TO THE
CONVENTION OF THE STATE OF MISSISSIPPI.

SECOND EDITION.

COMPILED AND EDITED
BY WILLIAM EMMONS.

WASHINGTON:
PRINTED BY JACOB GIDEON, JR.

1835.

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Entered according to Act of Congress, in the year 1835, by
WILLIAM FENNELL, in the Clerk's Office of the District Court of
the District of Columbia.



P R E F A C E.

In presenting to the American citizens a Biography of one of our distinguished DEMOCRATIC Statesmen, I feel that I need not apologize,—as I do it with feelings of patriotic ardour, and for the purpose of vindicating a character on whom has been lavished much personal and public abuse for a long series of years, on account of his early opposition to a party once recognized as the “ESSEX JUNTO,” but more recently known as the War Party in peace! and the Peace Party in war! occasionally mantling themselves beneath the imposing shelter of Washington and benevolence! And for this devotion to the cause of the people, he was PROSCRIBED! by the very Senate where you, my countrymen, have now placed him to preside, as a merited rebuke to such as proclaimed they were no MAN’S MEN! As a further proof that the American PEOPLE are capable of SELF government, a portion of my fellow-citizens have informed such Senators that they are no longer their men!!

He has long been denounced as a MAGICIAN! his opponents, however, have been taught *satisfactorily*, I trust, that the magic he deals in has been approved by YOU, the PEOPLE! hence, I cannot, as an independent freeman, but rejoice at the cheering

prospects before him, confident as I am, that the same power which has sustained and propelled him onward, will again cluster around, and through him, carry out the principles begun by a JEFFERSON, and thus far perfected by the VENERABLE JACKSON, whose fame will endure "*while the earth bears a plant, or the sea rolls its waves.*" No doubt he will again be opposed by a phalanx, sustained as they have been, from the vaults of a gigantic BRITISH institution, in the disguise of a UNITED STATES BANK, which, VAMPIRE-LIKE, was fast preying on the VITALS of the REPUBLIC! Thanks to an overruling PROVIDENCE! A JACKSON, and a BENTON, dared encounter, and stay the further progress of that many headed MONSTER! seconded, on all occasions, by the firm friend to DEMOCRACY, MARTIN VAN BUREN, and nobly sustained by the American people.

For one, I do not doubt the *native* as well as *adopted* FREEMEN of my country, will, at the approaching PRESIDENTIAL ELECTION, prove to the surrounding nations of the earth, that American citizens are superior to any and all combinations that have been or may be entered into for the overthrow of DEMOCRACY. If such an overthrow be accomplished, you then indeed would have a *constructive*, instead of a practical DEMOCRATIC REPUBLICAN GOVERNMENT.

Forget not, the GOVERNMENT is your *own*, and your children demand at your hands its transmission

unimpaired to them as your *last* best legacy. Remember the Reign of Kings is hastening to decay.

The Government then of *right*, belongs to the sovereign PEOPLE, before whom all officers must bow—at whose shrine I would ever be a worshipper.

Behold then, Fellow-citizens, the tree of Liberty!—perched thereon is the American Eagle with his broad and spreading wings, holding in his beak a SCROLL, on which is inscribed VAN BUREN, DEMOCRACY, UNION AND LIBERTY.

With these remarks I submit to my countrymen the following compilation. The biographical sketch was written by a gentleman intimately acquainted with the public and private history of Mr. Van Buren, for the CABINET, a literary publication which appeared in 1830. It was afterwards enlarged by its author in the summer of 1832. As Mr. Van Buren was then in nomination for the office of Vice President, special reference was made to that circumstance, and a strong conviction was expressed that he would be elected to that high office. I have preferred to retain this part of the memoir, although the particular language is no longer precisely applicable to the present state of things, because I have no right to alter the language of another, and more especially, because by the energy and virtue of the people, that part of it which looked to the future, has already become history.—The selection I have made from the speeches and writings of Mr. Van Buren, will

not only illustrate and verify many of the statements in the biography; but will exhibit the sound, democratic and statesman-like principles, by which his public conduct has been governed, and which have hitherto commanded the public approbation. The speech of Mr. FORSYTH, on the nomination of Mr. Van Buren as minister to Great Britain, in secret session of the Senate in 1832, the correspondence with the PRESIDENT on the same point, and the late letter of COL. BENTON, being all connected with the subject of this volume, and highly valuable in themselves, will, I hope, be interesting to my readers. And I trust that the cheering anticipations and patriotic wishes, which have led me to prepare this compilation, will be confirmed by the sovereign People of these UNITED STATES in the election of 1836.

To the American public,

WM. EMMONS.

Washington, Feb. 22, 1835.

BIOGRAPHY
OF
MARTIN VAN BUREN,
OF NEW-YORK.

MARTIN VAN BUREN was born at Kinderhook, in the county of Columbia, and state of New-York, on the 5th of December, 1782. He is the eldest son of Abraham Van Buren, an upright and intelligent man, whose virtuous conduct and amiable temper enabled him to pass through a long life, not only without an enemy, but without ever being involved in contention or controversy. His mother, a woman of excellent sense and pleasing manners, was twice married, Mr. Van Buren being her second husband. Both parents were exclusively of Dutch decent; their ancestors being among the most respectable of those emigrants from Holland, who established themselves, in the earliest period of our colonial history, in the ancient settlement of Kinderhook. They died at advanced ages; the father in 1814, the mother in 1818, but not until they had witnessed, and, for a series of years, participated in, the prosperity of their son.

The subject of this memoir displayed, in early boyhood, endowments so superior, that his family resolved to educate him for the bar. He was accordingly placed, at the age of fourteen, in the office of Francis Sylvester, Esq., then and still a much respected resident of Kinderhook, and at the time referred to, a practitioner of the law. Prior to the conclusion of his term of study, he spent about twelve months in the office of William P. Van Ness, then a distinguished lawyer and politician in the city of New-York.* His residence in that city afforded Mr. Van Baren opportunities of instruction and improvement, superior to any that he had before enjoyed, and as he was both eager in persuing, and apt in acquiring knowledge, he employed these advantages with diligence and profit.

In November, 1803, he was licensed as an attorney of the Supreme Court, and immediately thereafter commenced professional business in his native village, in connexion with a half brother, considerably his senior. At the next term of the county courts, he

* This gentleman having afterwards held the office of District Judge of the United States for the southern district of New-York, is some times confounded with William W. Van Ness, for many years a Judge of the Supreme Court of the State—a mistake which happens the more readily, from their being both natives of Columbia county, and both greatly distinguished by their talents and their connexion with political affairs, though they belonged, the former to the republican, and the latter to the federal party.

was admitted as attorney and counsellor, and thus enrolled in the Columbia bar, then numbering among its members several of the first men in the state; but the field was not fairly spread before him until his admission as counsellor in the Supreme Court, which took place in February, 1807.

He had always aspired to distinction at the bar; but though he had within him not only the desire, but the elements of success, he was obliged to force his way through an opposition at once powerful and peculiar. The political dissensions which then agitated the Union, were carried, in Columbia county, to the greatest extremities. The title to a large portion of the soil was vested in a few ancient families, the founders of which had been endowed, during the colonial government, with a species of baronial prerogative. The members of these families were generally federalists, and as they carried with them most of the wealthy freeholders, and the great mass of the merchants and professional men, they were enabled to maintain, for many years, an uninterrupted ascendancy in the county. Their reign was not that of toleration or liberality; on the contrary, the federalists of Columbia, partly perhaps from the spirited and inflexible character of their opponents, were among the most decided and thorough going partizans in the state. Mr. Van Buren was an object, with them, of peculiar hostility. He was a plebeian

and a democrat; he was destitute of fortune and in need of patronage; and yet he would neither worship at the shrine of wealth, nor court the favor of the powerful—worse than all—he possessed talents, and was not afraid to exert them, in the face, and to the prejudice, of his political enemies. It was therefore thought to be a matter of interest if not of duty, to keep him in the shade; and nothing was omitted that seemed likely to produce such a result.

Undismayed by persecution, unruffled by the petty arts of loquacity and slander, and over leaping the obstacles by which his progress was obstructed, Mr. Van Buren pressed forward in the race before him. “He that seeketh to be eminent amongst able men,” says Lord Bacon “hath a hard task.” That task, and more than that Mr. Van Buren undertook, for he strove not only for eminence but mastery. There was a noble daring in the very attempt to cope with these formidable adversaries, which would almost have compensated for the want of success; but by unremitted attention to business, by diligent preparation, and by the utmost exertion of his powers, such an issue was prevented. His faculties, naturally acute, were not only sharpened by these conflicts, but invigorated and rapidly enlarged; and it was not long before he was enabled to contend on high and equal ground, with the ablest of the group. This, after the promotion of Judge W. W. Van Ness, was Elisha Williams, the

most celebrated jury lawyer in the state, and probably in the Union, then in the prime of manhood, and nearly at the zenith of his fame.

In 1809, Mr. Van Buren removed to the city of Hudson, which was also the residence of Mr. Williams ; and from that time they divided, and for many years continued to divide, the professional business of the county. They stood also at the head of the political parties to which they were respectively attached.

The writer has often witnessed, in other places, displays of great forensic talent ; but he has never seen causes tried with any thing like the zeal, the skill, or the effect, which were always exhibited at a Columbia circuit, during the period referred to. A trial there was an intellectual combat of the highest order ; the antagonists were stimulated, not only by professional duty and the love of fame, but by a rivalry political and personal, which never suffered intermission or decline. This rivalry to which we have alluded, continued for more than ten years ; and if time and space permitted, it would be interesting, at least to the professional reader, to develop more fully than we can now do, the characters of the parties and the history of their conflicts.

In the mean time, Mr. Van Buren had followed his distinguished rival to the higher courts, and to the tribunal of the last resort. He there encountered

the first talents in the state, and with such success, that on the republicans regaining their ascendancy, he was appointed, in February, 1815, Attorney-General of the state, in the room of Abraham Van Vëchten, then equally eminent for political sagacity and professional reputation, but now revered and loved as the father of the New York bar. The duties of this office, and the extension of his practice, induced Mr. Van Buren, in the following year, to change his residence from Hudson to Albany. From this time until his retirement, he was deservedly ranked with those distinguished civilians, to whom, in connexion with her judiciary, the state owes so large a portion of her renown. Amongst such competitors, it was impossible to acquire, still more to maintain, a factitious reputation. Mr. Van Buren's was based on materials the most durable. Gifted with a large share of good sense, with a quickness of apprehension almost intuitive, with a nice discrimination, and with great accuracy of judgment, and illustrating these qualities by powers of reasoning and oratory rarely surpassed, he was peculiarly qualified for the discussion of those varied and complicated questions of law and of fact, which are so often presented for decision in our higher tribunals. It was accordingly in the management of important cases in the superior courts, that his most successful efforts as an advocate were made. His talents and reputation soon

secured to him an extensive and lucrative business, which would doubtless have increased to the highest amount known to the American bar, if his labors in his profession had not been frequently interrupted, and at length finally suspended, by his attention to political concerns.

Whether before a jury, or bar, he particularly excelled in the opening of this subject. The facts out of which arose the questions for discussion, the nature of those questions, and the mode in which he intended to treat them, were always stated with great clearness and address. In the exposition of his argument, he was usually copious and diffusive, presenting his case in all its lights, and bringing to bear upon it every consideration which could tend to elucidate its merits or to cover its defects. His style and manner were judiciously adapted to the character of his subject, and of his hearers ; sometimes direct and argumentative, and at others discursive and impassioned ; but even in the management of the most abstruse legal topics, he was able by the perspicuity of his statements, the aptness of his illustrations, the vivacity and force of his tone and gesture, and the felicity of his whole manner, to excite and to retain the undivided attention of all classes of his auditors.

No one was better qualified to speak with ability and effect, upon little, or without any preparation ; but no one could be more careful or laborious in his

preparatory studies. We mention this for the purpose of reminding the junior members of the bar, that if they would emulate and equal the successful career we have delineated, they must rely not on genius alone, nor on general knowledge or a diversified experience, but on the surer aids to be derived from a perfect acquaintance with their subject, and a careful premeditation of what they are to say.

The public life and services of Mr. Van Buren, to which we shall now direct the attention of our readers, demand a fuller notice than that bestowed on his professional career. It must, however, necessarily be brief; for to bring them out, in their just proportions, would require a volume, and would lead to discussions foreign to this place. His first connexion with political affairs was in the great contest which preceded the civil revolution of 1801. His father, a whig in the revolution, and an anti-federalist of 1788, was among the earliest supporters of Mr. Jefferson. The son, then a law student at Kinderhook, espoused with great warmth the same principles; but his course was emphatically his own. It was the result of a decided conviction, that the conduct and doctrines of the men in power, were not only repugnant to the spirit of the constitution, but subversive of the rights of the people, and calculated to lead to an aristocratic government. The strength and integrity of these convictions were severely tested. The gentle-

man in whose office he was a student was a high toned federalist; so was a near and much loved relative, his earliest patron. A majority of the inhabitants, including nearly all the wealthy families, and most if not all his youthful associates, belonged to the same party, and that party then had the ascendancy, not only in his own town, but in the county, the state, and the Union. Aware of his superior endowments, and anxious to save him from what was deemed by many of his friends a fatal, if not a criminal heresy, great exertions were made to attach him to the dominant party. Every motive which could operate on the mind of an ardent and ambitious young man, was held out to him but without success. He persisted in maintaining the principles he had espoused, and he spared no pains to inculcate them upon others, especially by animated addresses at the meetings of the people. His devotion, thus early, to the popular cause, though it exposed him to the implacable hostility of the federalists, secured for him the confidence and affections of the democracy of the town, and soon made him so conspicuous in his county, that in the latter part of 1800 or beginning of 1801, when only in his eighteenth or nineteenth year, he was one of her representatives in a republican convention composed of delegates from the counties of Rensselaer and Columbia, and held for the purpose of nominating a candidate for the house of representa-

tives. On that occasion he assisted the veteran politicians, with whom he was associated, in preparing an address to the electors. During the residue of his minority he was in the habit of representing the republicans of his town in the county conventions, and of taking as active and efficient a part in the political contests of the day, as any of his seniors.

His first appearance as an elector, was in the spring of 1804, when, in common with the great mass of the party in which he had been bred, he supported Morgan Lewis for governor of New York in opposition to Aaron Burr. Here again his integrity and independence were strikingly exemplified. Mr. Van Ness, with whom he had recently been a student, was the intimate friend of Col. Burr; and Mr. Van Buren himself, whilst a resident in the city of New York, had received many flattering attentions from that gentlemen. Several of the leading republicans of Columbia county, including some of Mr. Van Buren's earliest friends, were among the warmest supporters of Col. Burr. Yet Mr. Van Buren took a decided stand against Col. Burr, on the ground that he was the candidate of the party opposed to Mr. Jefferson, and to the democracy of the state.—His course on this occasion subjected him to some temporary antipathies; but its wisdom and propriety were sanctioned by the judgment of the people, and at the present day, will hardly be called in question.

In 1807 the democratic party was again divided between Lewis and Tompkins, and Mr. Van Buren again acting in unison with the majority, was among the most decided supporters of the latter. In 1808, he was appointed Surrogate of the county, an office which he held until February, 1813, when the federal party having acquired the ascendancy in that branch of the legislature which controlled the appointing power, he was promptly removed.

From the moment when, in early youth, he espoused the democratic principle, he never wavered in his course. Mr. Jefferson's administration received his uniform support; though in the ardor of youthful patriotism, he sometimes wished for a more decided policy towards the invaders of our neutral rights. During the whole period of the British encroachments, he was among those who labored to awaken, in our councils and people, a spirit of indignation and resistance. The embargo, and other restrictive measures adopted by congress, met his decided approbation; and were frequently vindicated by him in popular addresses, and on other occasions. In the dark days which followed these measures, he neither apostatized, nor flinched, nor doubted. His support of the government was not merely active, but zealous; nor was his the zeal of ordinary men.—It absorbed his whole soul; it led to untiring exertion; it was exhibited on all occasions, and under

all circumstances. Neither the contumely of inflated wealth, nor the opposition of invidious talent, nor the weekly revilings of a licentious press, nor a succession of defeats in his own county, could induce him to conceal or to modify his political sentiments, or to temporize in his policy or conduct.

The influence of such principles, accompanied by talents like those of Mr. Van Buren, was not to be circumscribed within the limits of a single county. It accordingly extended in the same proportion with his professional reputation; and as early as 1811, we find him taking the lead in a meeting held at the seat of government, and composed chiefly of the democratic members of the legislature. In 1811, he took great interest in the question of the renewal of the United States Bank. In connexion with the venerable George Clinton, and other leading members of the party in his state, he strenuously opposed the re-chartering of that institution. After congress had decided this question, a powerful association was formed, for the purpose of procuring from the state legislature a charter for the Bank of America, to be established in the city of New York, with a capital (enormous for a local bank) of \$6,000,000.—As the democracy of the state, with but few exceptions, considered this application a sort of substitute for the renewal of the national bank, they took strong ground against it. Mr. Van Buren was one of its most

prominent opponents. The republicans of his county were convened on the subject. He delivered to them a powerful speech against the proposed application, which was denounced in a series of resolutions prepared by him and adopted by the meeting, as a most dangerous and anti-republican measure.—His sentiments on the main question, and his belief that improper means had been resorted to by the agents of the bank, conspired to recommend to his approbation and support, the prorogation of the legislature by Governor Tompkins, in April, 1812; and he accordingly sustained that energetic measure by the active exertion of his influence and talents. At this juncture he was, for the first time, put in nomination for an elective office—that of state senator for the then middle district. A more violent struggle was hardly ever known in the state; Mr. Van Buren succeeded, but by a majority of less than two hundred out of twenty thousand votes.

He took his seat in the senate in November, 1812, at the meeting held for the choice of presidential electors. The republican members of the legislature having, in the preceding summer, nominated De Witt Clinton for president, in opposition to Mr. Madison, then a candidate for re-election, and that nomination having been tendered to, and accepted by Mr. Clinton, Mr. Van Buren thought it due to consistency and good faith, to support electors friend-

ly to that gentleman. He was also prompted to this course by an impression, that the character and measures of the existing administration were not sufficiently decisive and energetic; and by a sincere and confident belief that Mr. Clinton, though supported by many opponents of the war, would yet, if elected, prosecute that contest with more vigour and success than his amiable and enlightened competitor. Besides—Mr. Van Buren had been bred in the political sentiments of George Clinton, and on the death of that illustrious patriot, had naturally transferred much of his respect for the name, principles and character of the uncle, to his distinguished nephew, who, up to that period had been generally regarded as a pillar of the democratic party. In these views a majority of the republicans in each branch of the legislature concurred; and Mr. Clinton accordingly received the vote of New York. Mr. Van Buren, however, uniformly declared that he would abide by the decision of the majority; and that he would support to the end, every measure of the government, by whomsoever it might be administered, which was calculated to bring the war—a measure which he had advocated in advance, and constantly defended—to a successful result. In conformity with these principles, he took a leading part in the winter of 1813, in the nomination of Gov. Tompkins, whose patriotism had identified him with the history of the country,

and whose re-election seemed essential to the prosecution of the war if not to the existence of the government. On this occasion he wrote the address to the electors of the state, issued by the republican members of the legislature—an elaborate and eloquent production, in which the duty of sustaining the administration in the prosecution of the war, was enforced by every motive that could reach the hearts, or call out the energies of the people. The extracts from this address which have recently been laid before the public, will have enabled them to test the justice of this remark. It was widely circulated, and produced the desired effect.

In the election of April, 1813, Mr. Clinton, and many of his friends, supported the candidate of the opposition; and from this point a separation ensued between that distinguished statesman and Mr. Van Buren, which, as to all political matters, continued ever after.

The sessions of 1813 and 14, were peculiarly trying. The federalists then had the control in the assembly, and were violent and uniform in their opposition to the war and to its supporters. A majority of the senators, with Mr. Van Buren and his able coadjutors, Nathan Sanford and Erastus Root, at their head, were equally inflexible in their support of the government. They passed many bills of a patriotic character, which were rejected by the other

branch. This led to several public conferences, in which the points in controversy—involving not only the particular measures in dispute, but the justice and expediency of the war, and the conduct and merits of the national administration—were debated at large, in the presence of the two houses, by committees chosen on the part of each, and with all the energy and ardor which the spirit of the times was calculated to inspire. These conferences, from the nature of their subjects, the solemnity with which they were conducted, and the crowded and excited auditories that attended them, presented opportunities for the display of popular eloquence, almost rivalling in dignity and interest, the assemblies of ancient Greece. In all of them Mr. Van Buren was a principal speaker on the part of the senate, and by his readiness and dexterity in debate, his powerful reasoning, and his patriotic defence of the government and its measures, commanded great applause. On one occasion in particular, he delivered a speech of such eloquence and power, that immediately after the termination of the debate, a committee was appointed by the republicans of Albany—who, in great numbers, had attended in the galleries—to present him the thanks of their constituents, and to procure a copy of the speech for publication. This request, however, could not be complied with, as the speech had been delivered without even the usual

preparative of short notes; and Mr. Van Buren, who was then in feeble health, had neither time nor strength to write it out.

In September, 1814, the legislature was convoked by the Executive, to deliberate on the alarming crisis then existing. The republicans had then regained their control in both branches, and various measures were adopted with the express view of aiding the national administration, in the prosecution of the war. Of these, in addition to acts making appropriations of money, the most prominent were the acts "to authorise the raising of troops for the defence of the state," and to "encourage privateering associations." These bills were each supported by Mr. Van Buren; but the first and most important—which was known among its friends as the "classification," and among its enemies as the "conscription" bill, and which very much resembled the classification bill subsequently reported to congress by Mr. Monroe—was peculiarly his measure, it having been matured and introduced by him. They were assailed by the opposition, both in and out of the legislature, with unwonted violence. In the council of revision, Chancellor Kent delivered written opinions, denouncing them as inconsistent with the spirit of the constitution, and the public good.—Those opinions, though overruled by the other members of the council, were published in the newspa-

pers and extensively circulated; and from the high reputation of their learned and estimable author, they were eminently calculated to excite doubts as to the validity of the laws, and to impair public confidence in those who enacted them.

In this state of things, Col. Young, then speaker of the assembly, and the principal champion in that house, of the measures thus impugned, undertook their defence, and especially that of the Classification law, in a series of letters, written with great ability, and addressed to the chancellor, under the signature of *Juris Consultus*. They were answered by *Amicus Curix*, (supposed to be the chancellor himself,) who was replied to by Mr. Van Buren, in four numbers under the signature of *Amicus Juris Consultus*. In the first of these papers, he took a general view of the several topics connected with the controversy; the others were devoted to a minute examination of the various objections made by the Chancellor, and by *Amicus Curix*, for the act encouraging privateering associations. This controversy, as conducted by all the parties, was one of the ablest which grew out of the last war. Mr. Van Buren's share of it, which was distinguished by great ability and research, soon became known among his political friends, and contributed in no small degree, to his appointment as Attorney General, which took place in the February following. He was soon after

appointed by the legislature, a Regent of the University.

In 1816, he was re-elected to the Senate, and remained in that body until 1820, when his term of service expired. From the commencement to the close of his legislative career, he was found among the supporters of every measure connected with the great interests of the state. He was particularly distinguished as a leading and most efficient advocate of those great plans of public improvement which have since conferred, not alone on the state by which they have been executed, but on the age in which we live, such imperishable honor.

The next step in Mr. Van Buren's progress, places him on higher ground than any he has yet occupied. We have seen him one of the most active and conspicuous politicians in his native state; we are now to regard him as the acknowledged rival, in influence and renown, of the most celebrated of her sons—De Witt Clinton. In March, 1817, that gentleman was nominated by the republican convention as a candidate to succeed Gov. Tompkins, who had been chosen Vice-president of the United States:—Mr. Van Buren was one of the minority in this convention, though in accordance with the usages and feelings appropriate to such occasions, he acquiesced in the result. Mr. Clinton was subsequently elected, almost without opposition, but whether with, or

without cause, we stop not to inquire—gave little satisfaction to the democracy of the state. A division of the party soon after took place ; the great mass, with Mr. Van Buren in their number, opposed his re-election, and from this time until the death of Governor Clinton, these distinguished citizens stood at the head of the great political parties of New York. Mr. Van Buren at the commencement of this era was Attorney General of the state, but the council of appointment, at whose pleasure the office was held, was devoted to Mr. Clinton. This, however, did not prevent him from pursuing with frankness and decision, the course which his judgment had prescribed ; though he was aware that the loss of office would inevitably follow ; and he was accordingly removed in July, 1819. Opposition to Mr. Clinton was the only cause assigned for this measure, which was to Mr. Van Buren one of the most fortunate events of his public life. It commended him more than ever to the confidence and affections of the firm party men, who remembered his uniform adherence to the republican cause, and above all, his vigorous support of the government, at the most gloomy period of the war. It also largely contributed to the peculiar result of the election in 1820, when the opponents of Governor Clinton, though they failed in preventing his re-election, carried both branches of the legislature. A restoration to the

office of Attorney General was tendered to Mr. Van Buren by his political friends, but being declined by him, he was appointed in February 1821, a senator in the congress of the United States.

In the interval between that appointment and the next congress, a convention was held to amend the constitution of the state. Mr. Van Buren, who had warmly advocated this measure, especially with a view to the extension of the right of suffrage, was unexpectedly returned to it, though a resident of Albany, by the republican electors of Otsego, as a member from that county.

Many venerable and distinguished men, together with most of the active talent of the state, were found in this convention. It is, therefore, a high compliment—though it be only simple truth—to say, that in all the deliberations of this enlightened assembly, Mr. Van Buren, if not first, was certainly one of the foremost. His speeches on the various questions submitted to the convention, are published in the report of its proceedings, and are among the ablest in the volume. They are particularly worthy of note, for the clear and comprehensive manner in which they discuss the great principles of government, and for their soundness, moderation and justice. But it is not the mere display of talent or wisdom, that illustrates this portion of Mr. Van Buren's history. His conduct in the convention is

entitled to the other, and we doubt not posterity will deem it higher, praise—the praise which belongs to independence, magnanimity and virtue. He entered it under circumstances most flattering to his pride—the acknowledged leader of a triumphant majority; he was compelled before the termination of the session, either to assent to a course of proceeding in relation to the judiciary establishments, which he deemed uncalled for and improper, or to separate from some of the oldest and most valued of his friends. He chose, without hesitation or misgiving, the latter alternative, and was placed, as he foresaw would be the consequence, in the ranks of the minority. His conduct, on this occasion, was so evidently the result of principle, that those of his party who differed from him in opinion, honored him the more for his firmness and integrity—the separation it produced, was therefore confined to the questions which occasioned it.*

* The following extract from a speech of Mr. Van Buren upon one of the measures above referred to, will not only illustrate this part of his public conduct, but give some idea of his manner in debate.

“The matter therefore being clear, that the only effect of the amendment would be to turn out of office the present incumbents, [the Judges of the Supreme Court,] he submitted to the convention whether it would be either just or wise to do so.—He submitted it, he said, particularly to that portion of the convention, who would be held responsible for its doings—and who

He took his seat in the Senate of the United States in December, 1821. In 1827, he was re-

would in a political point of view, be the chief sufferers by a failure of the ratification of their proceedings by the people.— He warned them to reflect seriously on this most interesting matter. He directed their attention to the never ending feuds and bitter controversies which would inevitably grow out of a loss of the amendments adopted by the convention. He knew well, he said, how apt men placed in their situation—heated by discussions, and sometimes pressed by indiscreet friends--were to suffer their feelings to be excited, and to lead them into measures which their sober judgments would condemn. It was their duty to rise superior to all such feelings. He asked them to reflect for a moment, and then answer him, whether, when they left home, they had ever heard the least intimation from their constituents, that instead of amending the constitution upon general principles, they were to descend to pulling down obnoxious officers through the medium of the convention; and he asked them whether they were not sensible of the great danger of surprising the public at this advanced stage of the session, when the greatest uneasiness already prevailed, by a measure so unexpected. There was, he said, no necessity for, or propriety in, this measure. They had already thrown wide open the doors of approach to unworthy incumbents. They had altered the impeaching power, from two-thirds to a bare majority.— They had provided also that the chancellor and judges should be removable by the vote of two-thirds of one branch, and a bare majority of the other. The judicial officer who could not be reached in either of those ways, ought not to be touched.— There were therefore no public reasons for the measure, and if not, then why are we to adopt it? Certainly not from personal feelings. If personal feelings could or ought to influence us against the individual who would probably be most affected by

elected to the same station. To describe the share taken by him in the proceedings of the Senate, would be to copy the journals of that body for the seven years during which he was a member. Before the end of the first session, he had established, in an assembly containing such men as Rufus King and William Pinckney, a reputation of the highest grade, which was successfully maintained in after years.

It has often been demonstrated, that the sarcastic remark of Mr. Burke, "that lawyers are not at

the adoption of this amendment, [Judge W. W. Van Ness] Mr. Van Buren supposed that he above all others, would be excused for indulging them. He could with truth say, that he had through his whole life been assailed from that quarter, with hostility, political, professional and personal—hostility which had been the most keen, active and unyielding. But sir, said he, am I on that account, to avail myself of my situation as a representative of the people, sent here to make a constitution for them and their posterity, and to indulge my individual resentments in the prostration of my private and political adversary ! He hoped it was unnecessary for him to say, that he should forever despise himself if he could be capable of such conduct. He also hoped that that sentiment was not confined to himself alone, and that the convention would not ruin its character and credit, by proceeding to such extremities."—[*Carter and Stone's Debates of the Convention. p. 535.*]

The conduct of Mr. Van Buren on this occasion, and on the nomination of Mr. Clay as Secretary of State, furnishes a conclusive refutation to the charge of "proscription" recently made by the latter, in the United States Senate, and is strikingly contrasted with *his* course on the occasion referred to.

home in legislative assemblies," has no application to the American bar. Of this, Mr. Van Buren furnishes a new and signal proof. In the Senate of New-York, he showed himself an able and sagacious legislator; in the Senate of the United States, his sphere of action was not only greatly extended, but the subjects of deliberation proportionably difficult and complicated; yet here, also, he displayed a reach and comprehension of intellect, and a degree of practical wisdom and enlightened forecast which entitle him to the appellation and the honors of a statesman. As a ready and successful debater, he had no superior. Several of his speeches, particularly those in favor of the bill abolishing imprisonment for debt, and in support of the law making provision for the officers and soldiers of the revolution, have been ranked among the finest specimens of eloquence ever heard in the Senate. Those on the Panama mission, on the organization of the judiciary, and on the right of the Vice-President to control the freedom of debate, were conspicuous for luminous discussion, and for sound views of constitutional policy.— Reports of some of them have been published, but "though the massive trunk of sentiment remains," the "blossoms of elocution," in each case, and the fruits of genius in most of them, "have dropped away."* This must be said of every attempt to per-

* Johnson.

petuate his speeches, whether at the bar or in the Senate. His utterance is so rapid, that no short hand writer can follow him with accuracy; and he has rarely ever submitted to the drudgery of writing out a speech. Nor, indeed, is he capable, by any after labor, of doing justice to his own efforts; for his brilliant passages are so entirely extemporaneous, that they can neither be repeated by others nor recalled by himself.

The course pursued by Mr. Van Buren as a senator, both in respect to the foreign policy of the nation, and to our domestic concerns, was in perfect harmony with the doctrines he had previously maintained. One of his first efforts was, to revive the distinctive principles of the party in which he had been bred, and from which, as he supposed, Mr. Monroe's administration, especially during its second term, had considerably swerved. Although the exertions made by him to effect this end, were not very successful, they attracted general attention, and were decidedly approved by the democracy of the union.

He also took a leading part in the presidential election of 1824, and the canvass which preceded it. Believing the election of Mr. Crawford more likely, at that period, to bring back the government to the Jeffersonian policy, than that of any of his competitors, he gave to that gentleman his vigorous support. His perseverance, under the most adverse circum-

stances, in the support of that upright and persecuted citizen, is well known; as is also the overwhelming defeat, both in his own state, and in the union which terminated the contest.

In that catastrophe, his enemies,—ignorant or forgetful of the recuperative power of talents and integrity—vainly imagined, they saw the downfall, if not the end, of his influence and success, but before another year elapsed, he occupied a position more elevated than ever. The first step toward that position, was the wise determination to take no part in the decision by the House of Representatives—a resolution adopted by the friends of Mr. Crawford, with the double motive of retaining their usefulness after the contest should be decided, and of preserving themselves from the charge of coalescing with their opponents. After the election, Mr. Van Buren advised his friends at home to abstain from all acts of hostility towards Mr. Adams; to give him a fair trial, and to judge of his administration by his acts. His course in the Senate was governed by the same principles; and it was not until the great question of the Panama mission that he found occasion to depart from it. His opposition to that measure; the interesting considerations connected with it; and the judgment which the people have pronounced on the conduct of those who supported and those who opposed it, are well known. It was after taking this

stand, an act which drew upon him the marked hostility of Mr. Adams's Cabinet, and the open denunciations of their supporters, that he was re-elected to the Senate, by the legislature of New-York. His connexion with the great contest of 1828, and his efficient instrumentality in bringing about that triumphant result, which, to use his own language, "while it infused fresh vigor into our political system, and added new beauties to the republican character, once more refuted the odious imputation that Republics are ungrateful," need not be rehearsed.

With the electors of president and vice-president for the state of New-York, a governor of the state was also to be chosen, to succeed the distinguished and lamented Clinton. Yielding to the pressing demand of the republicans of New-York, Mr. Van Buren consented to become a candidate for the office, and was subsequently elected.

This event made it necessary that he should retire from the Senate of the United States, and he accordingly resigned his seat in that body in January, 1829.

Before we follow him to the chief magistracy of his native state, it will be proper to notice two or three points connected with his services in the Senate, to which no reference has yet been made. During the whole period of those services, the nation was agitated by discussions on bills for regulating the tariff, and for constructing internal improvements.

As a great majority of the people of New-York, were decidedly in favor of the protective system, and of the bills imposing additional duties passed in 1824 and 1828, Mr Van Buren's votes on these bills were governed by their wishes and instructions—it being with him a cardinal maxim, that the representative is bound to express the sentiments of his constituents, whenever those sentiments can be clearly ascertained. But whilst he was always ready to aid in the protection of the manufacturing interests, by advocating the adoption of all necessary and reasonable measures, he was not prepared to build up that interest at the expense of others equally important to the well-being of the nation. Deeply sensible that the union of the states could only be kept up, by the constant exercise of that spirit of concession and compromise in which it was formed, he earnestly inculcated upon the representatives of the manufacturing states, the importance of limiting their demands to the lowest practicable point; the mischiefs to be apprehended, both in a pecuniary and national point of view, from extravagant and oppressive duties; and the benefits to be derived from a reduction of the revenue to an amount barely sufficient to pay the national debt, and carry on an economical government. The wise and liberal sentiments entertained by him in this respect, were made, not unfrequently, the topics of accusation in his own state. In 1827, these

accusations increased to such an extent, that he availed himself of the opportunity afforded him by a public meeting held in Albany on the subject of the then proposed Harrisburgh convention, to lay before that meeting, in a speech of considerable length, his general views on the whole subject, as well as an explanation of the course he pursued, whilst a member of the senate, on the particular bills which had come before that body. This speech, which was afterwards published, had not only the effect of satisfying the people of New-York in regard to the course of the senator who made it, but it had also a tendency to moderate the high tariff sentiments of some of his constituents. The recent history of the nation, and above all the bill just passed for the reduction of the duties, have fully vindicated the wisdom, foresight and patriotism of Mr. Van Buren's course in relation to this most important and difficult subject.

In regard to internal improvements, Mr. Van Buren, had always but one opinion, viz: that it was not intended by the framers of the constitution to confer on Congress the power of constructing them: and that the power, if exercised at all, ought to be sacredly confined to objects of a strictly national character. With perhaps a single exception, his votes in the Senate, were in strict accordance with these views. The case alluded to, as constituting a possi-

ble exception, is thus stated by himself. "Mr. Van Buren is by no means certain, that in this respect he himself has been altogether without fault.— At the very first session after he came into the Senate, the knowledge of the perpetual drain that the Cumberland road was destined to prove upon the public treasury, unless some means were taken to prevent it, and a sincere desire to go at all times, as far as he could consistently with the constitution, to aid in the improvement, and promote the prosperity, of the western country, had induced him, without full examination, to vote for a provision, authorizing the collection of toll on this road. The affair of the Cumberland road, in respect to its reference to the constitutional powers of this government, is a matter entirely *sui generis*. It was authorized during the administration of Mr. Jefferson, grew out of the disposition of the territory of the United States, and had the consent of the states through which it passed. He has never heard an explanation of the subject, (although it has been a matter of constant reference,) that has been satisfactory to his mind. All he can say, is that if the question were again presented to him he would vote against it; and that his regret for having done otherwise, would be greater, had not Mr. Monroe, much to his credit, put his veto upon the bill; and were it not the only vote, in the course of a seven years' service, which the most fastidious

critic can torture into an inconsistency with the principles which Mr. V. B. professed to maintain, and in the justice of which, he is every day more and more confirmed.”*

Mr. Van Buren entered upon the office of Governor of New-York, on the first of January, 1829, and administered the government until the 12th of March following, when he resigned in consequence of his appointment as Secretary of State of the United States. Of the ability and uprightness with which he discharged the duties of the chief magistracy, there is high and honorable proof. Resolutions expressive of the “highest respect for his virtues and talents,” and tendering to him the congratulations of the representatives of the people, with “their earnest wish that he might enjoy a full measure of happiness and prosperity in the new sphere of public duty to which he was about to be removed,” were unanimously passed by both branches of the state legislature, though a considerable portion of each house belonged to the party opposed to his election. The like sentiments were expressed in terms still more flattering and affectionate, by the republican members, who transmitted him a communication on the eve of his departure for Washington, in which, after expressing “their attachment to his person, their respect for

* Note C. to Mr. Van Buren’s speech, in relation to the right of the Vice-President to call to order, &c. delivered in 1828.

his character, and their regret at the separation that was about to take place," they tendered him their acknowledgements, "for the numerous and important services which he had rendered to the state, particularly in sustaining those political principles which they believed to be most intimately blended with its highest and dearest interests." These proceedings, in connexion with those had since his rejection by the Senate, may be taken as an index of the estimation in which he is held by the people of his native state, and of the character of their feelings towards him.

Immediately after his resignation as Governor of New-York, he repaired to the post assigned him by the President.

The qualities of his mind, temper and manners, were peculiarly adapted to the duties of a cabinet minister, and more especially to those of the state department. Whilst he occupied this station, he showed himself a safe constitutional adviser, by recommending on all occasions, a strict and scrupulous adherence to the terms of the constitution—a liberal regard to the interests of each portion of the union—a sincere deference to the independence and sovereignty of the states, wherever those attributes remained to them—an honest, vigilant and frugal administration at home—and a watchful and provident attention to our concerns with foreign nations. The management of those concerns, so far as it devolved

on him, was precisely what it should have been.— His demeanor towards the agents of foreign powers, was on all occasions frank, conciliatory, and dignified; his despatches contained nothing rhetorical; offensive or imprudent; the affairs to which they related were discussed in a plain business-like manner; our own views and claims were clearly stated, and when founded on truth and justice, inflexibly maintained; the pretensions of our opponents were candidly considered; and in accordance with the character and policy of the President, every effort was made to conduct our diplomatic arrangements in the spirit of sincerity and justice. The success which attended his labors as Secretary of State, is too well known to need to be repeated.

Mr. Van Buren held the office of Secretary of State, until June, 1831, when he retired from that important and honorable trust which he had voluntarily resigned in the preceding April. The reasons which induced him to take this step, were of the purest and most elevated character. He believed that the best interests of the republic were identified with the full and successful development of the principles which led to the election of Gen. Jackson; he saw that the confidence of the President, though indispensable to his usefulness in the cabinet, was yet made the ground of open accusation and insidious attack; he was aware that envy and ambition in their

efforts to injure *him*, were likely to embarrass, if not to thwart the measures of the government; and he knew that so long as *he* maintained a position so prominent and commanding, the patriotic designs of the Executive would be counteracted, not only by the regular opposition, but by the more dangerous hostility of some who pretended to be his friends. Under these circumstances, he resolved to abandon the advantages of that position; and by a voluntary sacrifice of the influence and prospects which belonged to it, to relieve the administration from the difficulties created by enmity towards him. When the mists of prejudice which hang over the page of recent history, shall have been cleared away, this act will stand out in the lustre of personal magnanimity and public virtue.

The reluctant assent of Gen. Jackson to the resignation of Mr. Van Buren, was accompanied by a warm testimonial of unlimited confidence in his abilities and integrity. A further proof was soon after given of this confidence, in the appointment of Mr. Van Buren as minister to Great Britain. In making this appointment, the President was mainly influenced by the belief that Mr. Van Buren would be more likely than any one he could select, to negotiate a satisfactory adjustment of the delicate and dangerous questions concerning blockades, impressments and the right of search, which occasioned the late

war with Great Britain, and which yet remain undisposed of. The President justly thought the amicable settlement of these questions an object of deep interest, not only to the two nations, but to the world; and that it, therefore, demanded the best talents of the country. He also supposed that Mr. Van Buren from his intimate knowledge of our relations with the several powers of Europe, would be able to render essential aid to our ministers on that continent; and that he might, in various other ways, promote the public interests, during his residence at London; Mr. Van Buren felt the whole force of these considerations, and he was, moreover, very willing to withdraw, for the usual period of a foreign mission, from the turmoil of party. He therefore readily complied with the wishes of the President, by accepting the appointment—though most of his political and personal friends were exceedingly averse to it, on the ground that his absence from the country would materially impair his political prospects at home. This being the principal motive of their objections, he did not think them sufficiently important to deter him from engaging in a service, which promised, if successful, to be not less useful to his country than honorable to himself. He landed in England in September, 1831, and was soon after received at court with distinguished favor. His appointment, however, remained to be confirmed by

the senate. It was submitted to that body in December following, and after various postponements was finally negatived, by the casting vote of the vice-president, on the 26th of January, 1832. In consequence of this event Mr. Van Buren was immediately recalled, and has recently landed on his natal soil. Of the reasons assigned for his rejection, it cannot, in this place, be necessary to speak, farther than to remark, that if any reliance can be placed on repeated and spontaneous expressions of the public voice—and in matters of this sort the people never err—then were those reasons utterly insufficient. The popular feeling excited by the conduct of the Senate, has been further exemplified in his recent nomination for the Vice-Presidency—an event, which, when he left the country, he neither looked for nor desired. The heterogenous interests which were combined to accomplish his defeat in the Senate, are again united in opposing his election; but as the question now at issue, is to be decided by the yeomanry of the country, we have no fears as to the result.

We have thus presented a rapid sketch of the professional and public life of MARTIN VAN BUREN.—It illustrates in a manner the most impressive, one of the happiest principles of our excellent frame of government—its tendency to draw out and foster talent and integrity, and to secure to them, in spite of every thing by which their progress may be impeded,

the honors they deserve. We have seen that he owed nothing to birth or ancestry—nothing to property or patronage. And though like others of our public men, he was greatly indebted to the press of his own party, for occasional vindications of his character and conduct, he was not, like some of them, helped along in his career, by a systematic course of newspaper panegyric. On the other hand, he encountered from opposing prints, an unusual degree of obloquy and reproach. At an early age, they selected him as a subject of perpetual and virulent abuse; and for nearly twenty years, this abuse was persisted in, to a degree rarely paralleled, and never surpassed, in the history of our politics. The disparagement of his abilities, and indeed the denial that he possessed any just claim to talents of any sort, was one of the most common, and perhaps the most provoking, of these libels. The slander was refuted by the daily exhibition of great parts, and malignity itself was obliged to admit, that he was always found adequate to the particular duty with which he had been charged; but this acknowledgement was uniformly followed by the prediction, that he had reached the “extremest verge” which destiny had assigned him; and that his next step would plunge him beyond his depth, not in a “sea of glory,” but in a “rude stream,” that should sweep away the past, and overwhelm him for the future. The story

of his advancement—at once the most regular and rapid with which we are acquainted—is the best commentary on *diatribes* of this sort. We have seen his sphere of action constantly enlarging—from his native village to the county capitol, from that to the metropolis of the state, and from the latter to the councils of the union—but we have found him equal, and more than equal, to every emergency, never falling short of his prior reputation, and never disappointing the hopes of his friends; on the contrary, each successive step in his career, whilst it has falsified the predictions of his enemies, has furnished new proofs of his capacity, and new claims to the respect and confidence of his countrymen.

In person, Mr. Van Buren is neither above nor below the middle height; his figure is erect and graceful—his frame slender and apparently delicate, but capable of sustaining severe and long continued exertion—the general expression of his features, animated and agreeable—his eye quick and piercing—his head, (which is now quite bald,) particularly his forehead, of unusual size, and admirable formation. The engraving by Hatch, which accompanies the memoir in the CABINET, from the fine portrait recently painted by Inman for the corporation of New York, is a spirited and accurate likeness.

The private character of Mr. Van Buren may be commended without reserve. Enmity itself has

rarely ever ventured to reproach or to suspect it.—In his intercourse with the world, the justice, propriety, and benevolence of his conduct, render him a model for imitation; whilst the ease and frankness of his manners, and his happy talent for conversation, make him the ornament of the social circle. Blessed with a disposition at once firm, amiable, and forbearing; and uniting with a just self-respect, habitual self-control; he has been able—amid the perplexities of litigation, the cares of office, and the contentions of party—to preserve the serenity of his temper, and to blend with a vigilant attention to his own character and rights, a constant observance of the courtesies of life and a sedulous regard to the feelings of others. No man ever numbered among his personal friends, a greater proportion of his political opponents. Even in times of the greatest excitement, those of them who enjoyed his acquaintance, always accorded him their respect—usually their confidence and esteem.

It is obvious that with such qualities and manners, he could hardly fail to secure the affections of his political associates. Such has accordingly been the case in every stage of his progress; and it is to this, combined with his admirable knowledge of men, and his practical good sense, that he is indebted for his success as a political leader. To this also must be ascribed the charge of intrigue and artifice, which

has so often been preferred against him. If by this, it be intended, that he possesses in an eminent degree the talent of harmonizing, concentrating and directing the feelings and exertions of those with whom he acts—and that he has often exerted this talent with sagacity and effect—his friends must plead guilty to the charge. It would be as idle to deny it in respect to him, as to Hamilton or Jefferson, to Chatham or to Fox. But if by the charge be intended, the pursuit of those objects which are held up by our free institutions, as the incentive, and the reward of honorable ambition, by trick, duplicity, or cunning—we may indignantly repel it, as alike unsupported by evidence and unfounded in fact. No man who was ever brought in contact with him—who was able to speak to the point, from personal knowledge of his conduct—ever ventured to give to such an accusation the sanction of his name. On the contrary, all such persons will acknowledge—they must acknowledge, if they speak the truth—that his course as a politician, though decided and unyielding, was always open, liberal and honest.—This has been admitted by several of his opponents, under circumstances peculiarly calculated to give force and solemnity to their statements. A single instance will illustrate this remark. The most violent warfare in which he was ever engaged, was that with Governor Clinton, and with his leading sup-

porters, Chief Justice Spencer and the late William W. Van Ness, two of the ablest men New York ever produced. Indeed with the latter of these gentlemen, he had waged a severe contest from his first connexion with political affairs. The character of these contests, the consequences that resulted from them, and their tendency to excite the most implacable hostility, are well known to all who are familiar with the history of New York. They may also be guessed at by others, when we inform them that in the course of those conflicts, or some of them, Governor Clinton was twice driven into retirement—Chief Justice Spencer removed from office, and for some time kept from public employment—Judge Van Ness compelled to retire from the bench, and Mr. Van Buren twice removed from office, and for years proscribed and pursued with unrelenting severity. But each of these great men has borne testimony to the liberality, fairness and honor with which he had been treated by Mr. Van Buren, and to the general uprightness of his conduct as a man and a politician. Judge Van Ness did it on his death-bed ; Governor Clinton almost in the last moments of his life ; and as to Chief Justice Spencer—with characteristic frankness, he often did it, even in the midst of our most violent collisions.

On this point, the friends of Mr. Van Buren may also triumphantly appeal to the whole American

people. Within the last two years he has been arraigned before them, on the charge of having brought about, by a malign and interested agency, that difference between the highest officers of the government, and those dissensions in the cabinet, which occupied for a time, so large a share of the public attention. These subjects have undergone, in the face of this nation, a scrutiny, the most ample and unsparing; and this too, for the most part, during his absence from the country. And yet the industry of his enemies have detected no single fact on which their malice can repose! On the other hand, we have the testimony of a witness, who *must* know, and who is incapable of disguising or extenuating the truth—we have the testimony of ANDREW JACKSON—to the falsehood of the charge in all its parts and bearings. This is sufficient to put to flight a whole legion of inuendoes and suspicions.

Such is the man who is now before the nation for the second office in their gift. We anticipate, with pleasure, his elevation to that honorable post, not from any personal interest in his success, or in that of the candidate with whom he is associated, but because we know him to be “honest, capable and faithful to the constitution;”—because we believe that the best interests of the country will be promoted by his election;—and above all, because that election will furnish a new and most impressive il-

lustration of the great moral and political truth, that integrity, though it may sometimes be beaten down by unnatural coalitions, will yet ultimately receive, at the hands of a free and intelligent community, a full and triumphant vindication. The influence of such a vindication, will not, in the present case, be confined to our own country, nor to the present generation. It will attract the notice of other nations; it will go down to remote posterity. With the former, it will redeem us from the reproach incurred by the wrong intended to be redressed; with the latter, it will form a page of authentic history, from which envious and aspiring men may read the salutary lesson—one which from the days of Haman to the present hour, they have been slow to learn—that when truth and justice are violated to effect the ruin of an adversary, the very contrivances adopted to accomplish this end, are likely to become the means of his advancement; and that it is therefore the part, not only of duty, but of interest, to treat their opponents with justice and moderation, and “to do unto others as they would have others do unto them.”

APPENDIX.



Extracts from the address of the Republican members of the legislature, to their constituents, March 9, 1813, written by MR. VAN BUREN.

FELLOW-CITIZENS—It is not to the arbitrary mandates of despotic power, that your submission is demanded ; it is not to the seductive wiles and artful blandishments of the corrupt minions of aristocracy, that your attention is called—but to an expression and discussion of the wishes and feelings of your representatives.

You are invited to listen with calmness and impartiality, to the sentiments and opinions of men who claim no right superior to yours,—who claim no authority to address you save that of custom ; who would scorn to obtain the coincidence of your opinion by force or stratagem, and who seek no influence with you, except that which arises from conscious rectitude, from a community of hopes and of fears, of right and of interests.

In making this appeal, which is sanctioned by usage, and the necessity of which is rendered imperious by the situation of our common country, we feel it to be our duty, as it is our wish, to speak to

you in the language which alone becomes freemen to use—the language to which alone it becomes freemen to listen—the language of truth and sincerity ; to speak to you of things as they are, and as they should be,—to speak to you with unrestrained freedom, of your rights and your duties,—and if by so doing we shall be so fortunate as to convince you of the correctness of the opinions we hold ; to communicate to you the anxious solicitude we feel for our country and its rights, to turn your attention from the minor considerations which have hitherto divided, distracted and disgraced, the American people, and to direct it exclusively to the contemplation and support of your national honor and national interests, *our first* and only object will be effected.

That tempest of passion and of lawless violence which has hitherto almost exclusively raged in the countries of the old world, which has ravaged the fairest portions of the earth, and caused her sons, to drink deep of the cup of human misery—not satiated by the myriads of victims which have been sacrificed at its shrine, has reached our hitherto peaceful shores. After years of forbearance, in despite of concessions without number, we had almost said, without limitation, that cruel and unrelenting spirit of oppression and injustice which has for centuries characterized the spirit of the British cabinet, overwhelmed nation after nation, and caused humanity

to shed tears of blood, has involved us in a war,—on the termination of which are staked the present honor, and the future welfare of America.

While thus engaged in an arduous and interesting struggle with the open enemies of our land from without, the formation of your government requires that you should exercise the elective franchise,—a right which in every other country has been destroyed by the ruthless hand of power, or blasted by the unhallowed touch of corruption ; but which, by the blessings of a munificent Providence, has as yet been preserved to *you* in its purity.

The selection of your most important functionaries is at hand. In a government like ours, where all power and sovereignty rests with the people, the exercise of this right, and the consequent expression of public interest and public feeling, is on ordinary occasions, a matter of deep concern, but at a period like the present, of *vital* importance;—to satisfy you of that importance, and to advise you in its exercise, is the object of this address.

Fellow Citizens—Your country is at war, and Great Britain is her enemy. Indulge us in a brief examination of the causes which have led to it ; and brief as from the necessary limits of an address it must be,—we yet hope it will be found sufficient to convince every honest man, of THE HIGH JUSTICE AND INDISPENSIBLE NECESSITY OF THE ATTITUDE,

WHICH OUR GOVERNMENT HAS TAKEN ; OF THE SACRED DUTY OF EVERY REAL AMERICAN TO SUPPORT IT IN THAT ATTITUDE, AND OF THE PARRICIDAL VIEWS OF THOSE WHO REFUSE TO DO SO.

[Here follows an eloquent summary of the causes which led to the war—of the preliminary efforts, the embargo, non-intercourse, &c. to induce the belligerent nations to do us justice without a resort to that alternative—and of the series of aggressions on the part of Great Britain, which rendered it, in the language of the address, a measure of “high justice and indispensable necessity.”]

By this last act [the disavowal of the British government of the arrangement of Mr. Erskine, and the formal re-enactment, by that government, of the orders in council, the doors of conciliation were effectually closed.] The American people—a people rich in resources, possessed of a high sense of national honor, the only free people on earth—had resolved in the face of an observing world, that *those orders were a direct attack upon their sovereignty ; that a submission to them involved a surrender of their independence*—and a solemn determination to adhere to them, was officially declared by the ruler of the British nation. Thus situated, what was your government to do ? Was there room for doubt or hesitation as to the hostile views of England ? No. Lest such doubts might prevent a rupture, to acts of

violent injustice, were continually added acts of the most opprobrious insult. While the formal relations of amity remained yet unbroken—while peace was yet supposed to exist—in cool blood an unprovoked attack is made upon one of your national ships, and several American citizens basely and cowardly murdered. At the moment your feelings were at the highest pitch of irritation in consequence of the perfidious disavowal of Erskine's agreement, a minister is sent, not to minister to your rights—not to extenuate the conduct of his predecessor—but *to beard your Executive—to add insult to injury; and to sling contumely and reproach in the face of the Executive of the American nation, in the presence of the American people.*

To cap the climax of her iniquity; to fill up the measure of our wrongs; she resolved to persist in another measure, surpassed by none in flagrant enormity—a measure, which of itself was adequate cause of war—a measure which had excited the liveliest solicitude, and received the unremitting attention of every administration of our government, from the time of Washington to the present day; the wicked, the odious and detestable practice of impressing American seamen into her service; of entombing our sons within the walls of her ships of war: compelling them to waste their lives, and spill their blood in the service of a foreign government—a practice which sub-

jected every American tar, to the violence and petty tyranny of a British midshipman, and many of them to a life of the most galling servitude—a practice which never can be submitted to by a nation professing claims to freedom; which never can be acquiesced in by government without rescinding the great article of our safety, *the reciprocity of obedience and protection between the rulers and the ruled.*

Under such accumulated circumstances of insult and of injury, we ask again, what was your government to do? We put the question not “to that faction which misrepresents the government to the people, and the people to the government; traduces one-half of the nation to cajole the other—and by keeping up distrust and division, wishes to become the proud arbiter of the fortune and fate of America,”—not to them, but to every *sound head and honest heart* in the nation it is that we put the question,—What was your government to do? Was she basely and ingloriously to abandon the rights for which you and your fathers fought and bled? Was she so early to cower to the nation which had sought to strangle us in our infancy, and which has never ceased to retard our approach to manhood? No: we will not for a moment doubt, that every man who is in truth and fact an American, will say that **WAR, AND WAR ALONE**, *was our only refuge from national degradation,—our only course to national prosperity.*

Fellow Citizens—Throughout the whole period of the political struggles, which if they have not absolutely disgraced, have certainly not exalted, our character; no remark was more common—no expectation more cheerfully indulged in—than that those severe and malevolent contentions would only be sustained in time of peace; that when the country should be involved in war, every wish, and every sentiment would be exclusively American. But unfortunately for our country, those reasonable expectations have not been realized, notwithstanding every one knows, that the power of declaring war, and the duty of supporting it, belong to the general government; notwithstanding that the constitutional remedy for the removal of the men to whom this power is thus delegated, has recently been afforded; notwithstanding the re-election of the same President by whom this war was commenced, and a majority of representatives, whose estimate of our rights, and whose views are similar to those who first declared it; men, who by the provisions of the constitution, must retain their respective stations for a period of such duration, as precludes a continued opposition of their measures without a complete destruction of our national interest—an opposition at once unceasing and malignant, is still continued, to every measure of the administration.

Fellow Citizens, these things will not do. They

are intrinsically wrong; *your country has engaged in a war in the last degree unavoidable*; it is not waged to the destruction of the rights of others; but in defence of our own; it is, therefore, your bounden duty to support her. You should lay down the character of *partizans*, and become *patriots*; for, in every country, “war becomes an occasional duty, though it ought never to be made an occupation.— Every man should become a soldier in defence of his rights; no man ought to continue a soldier for offending the rights of others.” In despite of truths so self-evident, of incentives to a vigorous support of government so pressing, we yet have to deplore the existence of a faction in the bosom of our land, whose perseverance and industry are exceeded only by their inveteracy; who seek through every avenue to mislead your judgment and to inflame your passions.

When your government pursues a pacific policy, it becomes the object of their scorn and derision; the want of energy in your rulers is decried, as a matter of alarming consideration; the injuries of your country are admitted, and the fact is triumphantly alleged that “the administration cannot be kicked into a war.” When they are impelled to a forcible vindication of our rights, the cry of enmity to peace, of a wish to war with England to serve France, is immediately resounded through the land. When war

is declared, public opinion is sought to be prejudiced against the measure, as evincing a disposition unnecessarily to shed your blood, and waste your treasures. When it is discovered, that that declaration is accompanied with a proposition, a just and equitable proposition, to the enemy, on which hostilities may cease and peace be restored, that proposition is derided as evidence of the most disgraceful pusillanimity. No falsehood is considered too glaring, no misrepresentation too flagitious, to impose on your credulity, and seduce your affections from your native land.

Lest general allegations might fail to effect their unholy purposes, and consummate their dark designs, specific charges are resorted to—calumnies which have again and again met the detestation of an enlightened public, are periodically brought forward, new dressed, and with new authorities to give them credence with you. Among the most prominent of those charges, is that of enmity to commerce, on the part of the republican administrations. Never was there a calumny more wicked. Enmity to commerce! We ask, and we ask emphatically, where is the evidence of it? What is the basis on which they rest their claim to public confidence? It is that the administration is engaged in a war which they claim to be unpopular. What are the causes for which this war is waged, and which have hitherto embroiled us

with the nations of Europe? They are the *violation of our commercial rights, and the impressment of our seamen!* The administration then, are jeopardising their interest with the people; they furnish weapons of offence to their adversaries; they brave all dangers, for the maintenance and support of our commercial rights; and yet they are the enemies of commerce! Can such base sophistry, such contemptible nonsense, impose on the credulity, or pervert the understanding of a single honest man?

As auxiliary to this unfounded aspersion, the oft-exploded, the ten-thousand-times-refuted tale of *French influence*, is ever and anon brought upon the carpet. It would be insulting to your understandings to detain you by a discussion of this odious and insulting insinuation. Was it evidence of French influence on the adoption of every measure of commercial restriction, to place both France and England on the same footing? Was it evidence of French influence to cause it to be officially notified to the court of St. James, on the adoption of each of those measures, that in case they rescinded their orders in council, the United States would assume a hostile attitude towards France? Was it evidence of French influence to embrace the earliest opportunity to conclude the arrangement with Erskine—leaving our affairs with France in a hostile attitude? If not, where, then, is the evidence to support this impudent censure? Is

it to be found in a similarity of manners, of language, or of feeling? When an Englishman visits your country, is he not received with the familiarity, and cherished with the hospitality of a friend? Is a Frenchman ever treated by you otherwise than as a stranger? Away, then, with those whining, canting professions, of fears and apprehensions of the danger of French influence. Intelligence must reject, and integrity abhor them.

But to crown this picture of folly and of mischief, they approach you under a garb which at once evinces their contempt for your understanding, and their total want of confidence in your patriotism; under a garb which should receive the most distinct marks of your detestation; they are "THE FRIENDS OF PEACE!" While our enemies are waging against us a cruel and bloody war, they cry "Peace." While our western wilds are whitening with the bones of our murdered woman and children—while their blood is yet trickling down the walls of their former habitations—while the Indian war-hoop and the British drum, are in unison saluting the ears, and the British dagger and the Indian tomahawk suspended over the heads of our citizens,—at such a time, when the soul of every man who has sensibility to feel his country's wrongs, and spirit to defend her rights, should be in arms—it is that they cry PEACE! While the brave American tar, the intrepid defender of our rights,

and redeemer of our national character, the present boast and future honor of our land—is impressed by force into a service he detests, which compels a brother to imbrue his hands in a brother's blood—while he is yet “tossing upon the surface of the ocean, and mingling his groans with those tempests less savage than his persecutors, that waft him to a returnless distance from his family and his home,”—it is at such a period, when there is no peace, when there can be no peace, without sacrificing every thing valuable—*that our feelings are insulted, the public arm paralyzed, and the public ear stunned, by the dastardly and incessant cry of PEACE!* What, fellow-citizens, must be the opinion which they entertain of you, who thus assail you? Can any man be so stupid as not to perceive that it is an appeal *to your fears, to your avarice*, and to all the baser passions which actuate the human heart? That it is approaching you in the manner in which alone those puny politicians who buz about you, and thicken the political atmosphere, say you are accessible, *through your fears and your pockets?* Can any American citizen be so profligate as not to spurn indignantly the base libel upon his character?

Suffer yourselves not to be deceived by the pretence, that because Great Britain has been forced by her subjects to make a qualified repeal of her orders, our government ought to abandon her ground. That

ground was taken to resist two great and crying grievances, the *destruction of our commerce*, and THE IMPRESSMENT OF OUR SEAMEN. The latter is the most important, in proportion as we prefer the liberty and lives of our citizens to their property. Distrust, therefore, the man who could advise your government at any time, and more especially at this time,—when your brave sailors are exciting the admiration, and forcing the respect of an astonished world, when their deeds of heroic valor make old Ocean smile at the humiliation of her ancient tyrant—at such a time, we say again, mark the man who would countenance government in COMMUTING OUR SAILORS' RIGHTS FOR THE SAFETY OF OUR MERCHANTS' GOODS.

Next to the cry for peace, the most potent spell which has been resorted to, to alarm your fears and pervert your understandings—is the alleged distresses of the country. Fellow-citizens, it has been our object, it is our wish to treat you fairly, to appeal to your judgments, not to your passions; and as we hope our address to you hitherto has been marked by that character—it is to your consciences then that we appeal upon this subject. Is not this clamor most unfounded, most ungrateful? If you doubt that it is so, if you hesitate to believe that it originates exclusively with the ambitious and designing—spend one

moment in comparing your situation with that of the major part of the civilized world.

[Here follows a rapid and graphic sketch of the condition of the several European nations; concluding with the following interrogation,—“Look at the whole map of Europe; contrast your own situation with theirs; and then answer us, is it not impious and wicked to repine at our enviable lot?”]

Fellow-citizens—should those political witlings, who are not only ignorant themselves of the leading points of controversy in our disputes with the belligerents, but who are uniformly assailing you as men destitute at once of spirit and of judgment—should they point to the wars which agitate and have convulsed Europe, as arguments against the prosecution of that just and necessary one which has been forced upon us, we know that you will indignantly repel the unfounded suggestion. The wars of Europe are waged by monarchs, to gratify their individual malice, their individual caprice, and to satiate their lawless ambition. Ours is in defence of rights which must be defended, or our glory as a nation will be extinguished—the sun of our greatness will set forever. As well might it have been said during the revolution, that war should not be waged, because wars had desolated Europe. *The same rights you then fought to obtain, you must now fight to preserve—the con-*

test is the same now as it was then—and the feelings which then agitated the public mind, which on the one hand supported, and on the other sought to destroy, the liberties of the country, will be seen and felt in the conduct of the men of this day.

Fellow-citizens—we are compelled to close this appeal to you. The limits of an address will not permit us to do justice to the various subjects which should occupy your attention. We are aware that this has been already unreasonably extended ; but the period has arrived when mere words and idle declarations must be unavailing. We have, therefore, felt it our duty to give you, as far as practicable, a clear view of your true situation, of your legitimate duties. Unfortunately for us, when we ought to be an united, we are a divided people. The divisions which agitate us are not as to men only, but to principle.—You will be called on at the next election, to choose between different candidates, not only for the two great offices of state, governor and lieutenant governor, but for every other elective office—to make a selection which the actual situation of your country renders of infinite importance.

We are divided between the supporters and opposers of our government. We have witnessed the distressing truth, that it is not in the power of circumstances to destroy the virulence of party spirit. The opposition offer for your support, men, who,

whatever their private wishes may be, are devoted to the support of a party whose views and whose conduct we have attempted to delineate. In opposition to them, we respectfully solicit your support for the men whose nomination accompanies this address, one of whom [DANIEL D. TOMPKINS] has for six years served you in the capacity which we now offer him ; the other [JOHN TAYLER] has for many years served you in the most responsible situations. The notoriety of their merits supersedes the necessity of our eulogium—their lives are their best encomiums ; they are the true friends of commerce, their views are, and their conduct will be, in unison with the measures of the general government ; they are the sincere friends of an honorable peace, the firm and energetic opposers of a base surrender of our rights.

We respectfully solicit for them your undivided support. We solemnly conjure every real friend to his country, to reflect on the danger of abandoning his government at a period so perilous ; to reflect on the impropriety of even indirectly aiding the views of our enemies by continuing his opposition to government at a period so eventful.

[Alluding to the republicans who had advocated Mr. Clinton's election to the presidency, the address has the following appeal:] We solicit the honest men of *all parties*—to remember that ours is the last republic—that all the influence of the crowned heads of

Europe has been exerted to propagate the doctrine, that a government like ours can never stand the rude shock of war; to reflect that this is the first occasion in which this government has been engaged in a war, and that the great and interesting questions, whether man is capable of self-government, whether our republic must go the way of its predecessors, or whether, supported by the hearts and arms of her free citizens, she shall deride the revilings, and defeat the machinations of her citizens, are *now to be tried*.

Fellow-citizens—In the result of our elections during the continuance of this war, these important considerations are involved,—the question of WHO IS FOR HIS COUNTRY OR AGAINST HIS COUNTRY, must now be tried—the eyes of Europe are directed towards us—the efficacy of your mild and wholesome form of government is put to the test. *To the polls*, then, and by a united and vigorous support of the candidates we submit to you, discharge the great duty you owe to your country, preserve for your posterity the rich inheritance which has been left you by your ancestors,—that future ages may triumphantly point to the course you pursued on this interesting occasion, as evidence that time had not as yet extinguished that spirit which actuated the heroes of *Breedshill* and of *Yorktown*; of those who fell at *Camden*, and of those who conquered on the plains of *Saratoga*.

PREAMBLE AND RESOLUTION

Prepared by Mr. VAN BUREN, for a meeting of the Republican Members of the Legislature of New-York, and other Republicans of that State, held at Albany on the 14th of April, 1814, and adopted by that meeting.

At this interesting period of our national affairs, when our government is combatting with a wily, vindictive and sanguinary foe; when domestic disaffection and foreign partialities present their fronts at every corner; and when the present hopes and future prospects of the people of New-York are to be tested by the exercise of the elective franchise,—at a period of such anxiety and solicitude, this meeting, composed of citizens from almost every section of the state, take the liberty of publicly expressing their sentiments on the subject.

That “every difference of opinion is not a difference of principle”—that on the various operations of government with which the public welfare is connected, an honest difference of opinion may exist—that when those differences are discussed and the principles of contending parties are supported with candor, fairness and moderation—the very discord which is thus produced, may, in a government like ours, be conducive to the public good—we cheerfully admit.

But when, on the other hand, the opposition clearly evince that all their clamors are the result of predetermined and immutable hostility—when, as between their own government, and the open enemies of the land, they dare, as circumstances may require, unblushingly justify, excuse or palliate the conduct of the latter, and falsify, calumniate and condemn that of the former—when too in the means which are used to effect such unhallowed purposes, they are alike indifferent to the salutary provisions of the constitution, to the requisitions of national interest and the obvious dictates of national honor;—that at such a time it is the duty of every sound patriot to do his utmost to arrest their guilty career, and to rescue from their aspiring grasp his bleeding country,—no good man will deny.

To prove that such has been the conduct and that such are and have been the views of the party in this country, which styles itself *federal*—that their “history is a history of repeated injuries and usurpations, all having for their object” either the subjection of the rights and interests of their country, to her ancient and unceasing foe, or a base prostitution of its fair fame for selfish and ambitious purposes, “let facts be submitted to an intelligent and patriotic people.”

Their opposition for the last 13 years has been universal, malignant and unceasing.

Their opposition was equally virulent when our country was basking in the sunshine of unparalleled prosperity, as it has been, while her political horizon has been obscured by the clouds of adversity.

They opposed the abolition of internal taxes, when those taxes were rendered unnecessary by the general prosperity of the country.

They opposed the imposition of the same taxes, when the imposition became necessary to the maintenance of our national honor.

They opposed the reduction of the national debt, when the means of its reduction were in the power of government.

They opposed the increase of the national debt, when its increase or an abandonment of every attribute of a free people had become our only alternative.

They clamored much on account of the aggressions on our commerce by the belligerents, and their merchants presented petition after petition and memorial after memorial to Congress, that they should vindicate our commercial rights.

They have uniformly calumniated and opposed every measure of the government adopted for their vindication or support.

They opposed all commercial restrictions on the ground of their inefficacy, contended that war and war alone was the proper course for government to pursue,

and on this subject they triumphantly declared "that the administration could not be kicked into a war."

They opposed the war when it was declared, on the ground that it was impolitic, unjust and unnecessary.

They have always claimed to be the friends of order and the constitution, and as such friends of order and the constitution, their opposition to government in the prosecution of the present just and necessary war, has been characterized by acts of violence and depravity without a parallel in the history of any civilized government.

To enumerate the various acts by which the feelings of the American people have been wounded and insulted, this occasion will not permit—let the most prominent, therefore, be alone considered. While the combined power of the enemy and his savage allies has been directed against us, and our frontiers have been drenched with the blood of unoffending women and children, the undivided powers of the opposition have been exerted—

To destroy all confidence between the people and their government—

To misrepresent the latter and to deceive, distract and cajole the former—To deprive the government of the two great sinews of war, men and money ; preventing enlistments by discountenancing and calumniating both officers and soldiers—defeating the ne-

cessary loans by attempting to shake the confidence of the people in the stability of their government—

To render the war odious and unpopular, by the most flagrant perversions of the matter in controversy, and of the pretensions of our government ; by the most criminal justification of the conduct of the enemy ; and by the vilest extenuation of all their enormities—

To paralyze the arm of government and frighten the weak and timid from its support, by exciting insurrection and rebellion in the east ; by openly threatening a dissolution of the Union, and laboring incessantly to sow the seeds of jealousy and disunion between the Northern and Southern States ; and by exercising in each state the same unworthy means as are practiced by them throughout the Union.

For while in this state they profess great solicitude for the sufferings of our citizens on the frontiers, they have invariably opposed the raising a volunteer corps for their defence, unless under the disgraceful stipulation that they shall not annoy the enemy.

While also they seek to hide the deformity of their conduct in relation to our army, by professing attachment to the naval service ; we find them opposing with disgusting violence a bill to encourage privateering which passed the Senate of this state, but was negatived by the Assembly, because it had for its object to harrass the enemy.

But we forbear the enumeration of acts evincing such deplorable degeneracy in a great portion of the American people; acts so well calculated to continue the war into which our country has been driven—to tarnish our national character—and unless successfully resisted, to drive our government to an injurious and disgraceful peace:

Therefore *Resolved*, 'That while we congratulate our fellow citizens on the happy revival of the feelings, sentiments and spirit of the Revolution, which is every where manifesting itself; and our republican brethren in particular, on the heart-cheering zeal and unanimity which pervade their ranks, which promise the total overthrow of that anti-American spirit, which, disguised under the specious garb of *federalism*, has too long preyed upon the vitals of the nation—and which excite a lively hope that the councils of this great and powerful state will speedily be wholly rescued from the hands of those who have disgraced them—We warmly and earnestly conjure our republican brethren, by the regard they have for their own rights by the love they bear their country; and by the manes of the departed worthies of the revolution, to be up and doing, and so to act, that at the termination of the contest, each of them may triumphantly exclaim—"I have fought a good fight—I have finished my course—I have kept the faith."

Answer of the Senate of New York to the speech of the Governor, at the extra session of the legislature held in September 1814, draughted by Mr. VAN BUREN.

To his Excellency, D. D. Tompkins, Governor of New York.

SIR—The Senate, at the close of their last session, indulged, in common with their fellow citizens, the pleasing expectation, that before this period the blessings of peace upon just and honorable terms would have been restored to their country. They have thus far been disappointed; and although the mission to which they looked for its accomplishment has not yet terminated, the delay which has taken place in the commencement of negociations, and the spirit of increased hostility manifested by the enemy in the prosecution of the war, combine to forbid any confident reliance upon the disposition professed by him in the communication which led to that mission.

If, in the result, it shall appear, that in these professions he was originally insincere; or that, influenced by after circumstances, he delayed the negociations proposed by himself, until he should have exerted against us the additional means of annoyance which recent occurrences in Europe had placed at his disposal—the world will not hesitate, in either case, to pronounce upon his conduct the sentence of strong and indignant reprobation.

The world have already seen, and they cannot but have seen with astonishment, that when ambassadors for peace, invited by himself, had already crossed the ocean, he has given a new and peculiar character to the contest—a character of violence and outrage, not only incompatible with the feelings of reconciliation, but in the highest degree disgraceful to civilized nations, and repugnant to the established rules of legitimate warfare.

Whether this conduct has proceeded from ancient animosities now seeking their gratification, in the infliction of injuries upon those who once defied and foiled his power—whether from a desire of finding employment for troops whom it was not thought prudent to disband at home—whether from hostility to our civil institutions, and the vain hope of subverting the fair fabric which by the wisdom, the virtue, and the valor of our fathers, has been reared and secured to us—or from a calculation that by carrying his arms into the heart of the country, and marking his course with desolation and ruin, he could make an impression on the government which should avail him in the proposed negotiations, or on the people which should be remembered to his advantage in any question which should hereafter arise between the nations—whatever may have been his motives, or whatever his expectations, the Senate cannot but exult in common with your excellency

and the country, that thus far "we have sustained the shock with firmness and gathered laurels from the strife."

Although he has succeeded in penetrating to the capitol, his momentary triumph, disgraced as it was by the destruction of public edifices and the subsequent plunder of a defenceless city, has before this time been imbittered by the reflection, that by the conflagration of those monuments of art which public spirit and munificence had erected, and which were consecrated by the name of their illustrious founder, he has kindled a flame of patriotism which pervades every section of the union, which has already lit the way to his severe discomfiture, and which threatens his complete annihilation, at every assailable point of the union to which his ambition or his resentment may lead him.

The Senate have witnessed with the same admiration, evinced by your excellency, the brilliant achievements of our army and navy during the present campaign—achievements, which, in their immediate effects, have been so highly and extensively beneficial to our frontier citizens—achievements which have pierced the gloom, that for a season obscured our political horizon and dispelled those fearful forebodings which past disasters had excited—exploits which will not suffer in a comparison with the most heroic efforts of the veterans of the old world,

which have fully maintained if not enhanced the proud and enviable fame of our gallant seamen—exploits which have covered the actors in those bright scenes with never fading laurels, and which will, until public gratitude ceases to be a public virtue, call for the highest testimonials which a free people can yield to freemen—unceasing reverence for the memories of those who have died on the field of honor, and acts of unceasing gratitude to their heroic survivors.

The Senate have seen with great satisfaction, the prompt and efficacious measures adopted by your excellency to avert the dangers which threatened the State; and believing as they do, that whatever executive authority may have been exercised, for which no legislative provision existed, has not only been intended for the promotion of the public good, but was rendered indispensable by the pressure of existing circumstances; they cannot doubt that the measures to which your excellency has referred, will be found to deserve their approbation and support.

The Senate cannot forego the opportunity afforded them, of uniting with your excellency, in an expression of the high satisfaction with which they have witnessed the unanimity and patriotism displayed by all classes of the community in the present crisis, and the disposition which they have manifested to combine their efforts for the maintenance of national honor and common safety.

That on questions of general policy, or the fitness of individuals for particular stations, we should ever be exempted from differences of opinion is not to be expected. Divisions like those are inseparable from the blessings of our free constitution; and although sometimes carried to an excess which all good men must deplore, they are, notwithstanding, generally productive of much national good. But to suppose that a people jealous of their rights and proud of their national character, would on a question of resisting the aggressions of an open enemy—aggressions which have polluted our soil, and which threaten the subversion of those inestimable political institutions which have been consecrated to freedom by the blood and sufferings of their fathers—that on a question of such vital interest, so well calculated to excite all the patriotism, to arouse all the spirit, and to call into action all the energies of the nation, they would waste their strength in useless collision with each other—would be a reflection upon their discernment and their character, which they can never merit.

The various other subjects submitted by your excellency to the legislature, will receive from the Senate that prompt attention to which their importance entitles them.

The important interest which the state of New York has in the successful termination of the controversy in which we are involved, and the high desti-

ny to which her local situation, the extent and variety of her resources, and the valor and patriotism of her citizens, aided by a just and liberal policy, may advance her, have been duly appreciated by your excellency. The Senate cheerfully pledge their best exertions to realize those great and well founded expectations; and relying on the patriotism and good sense of the American people, they confidently trust that the rights and interests of the nation will be maintained, and that at no distant period the mild reign of peace will be restored to our bleeding country.

Resolutions expressive of the sentiments of the legislature of New York in relation to the victory of the 8th of January, 1815, prepared by Mr. VAN BUREN, February 13th, 1815.

“Whereas, in all ages and in every clime, even among the most uncivilised of mankind, the love of country and the love of glory, the spirit of patriotism and of heroism, have never failed to excite admiration, to call forth applause, and to be crowned by those grateful rewards which are ever dear to the brave, the virtuous, and the wise:

“And whereas, the duty of cherishing sentiments so intimately connected with the welfare, honor and prosperity of nations, devolves in a peculiar”

manner upon the rulers of a people whose freedom and independence are the bright rewards of the patriotism and the valor of their ancestors, and can only be preserved by the exercise of the same inestimable and exalted virtues:

“ Therefore, Resolved unanimously, as the sense of this legislature, that Major General ANDREW JACKSON, and the gallant officers and soldiers under his command, for their noble defence of the city of New Orleans, that important military post and grand emporium of commerce, especially in the ever memorable conflict of the 8th of January last, an event surpassing the most heroic and wonderful achievements which adorn the annals of mankind, do eminently deserve the unanimous applause, and the lasting gratitude of their country.*

Resolved, unanimously, That the thanks of this legislature be, and they are hereby presented to Major General JACKSON, and the officers and soldiers under his command, for that heroic and glorious achievement.

Resolved, unanimously, That these resolutions be signed by the president of the senate and speaker of the house of assembly, that his excellency the Governor be, and he is hereby requested to transmit a copy of the same to Major General JACKSON, who is

* NOTE.—The words in *Italic*, were stricken out after the resolutions were reported to the legislature.

requested to communicate to his brave associates in arms, the grateful sense which this legislature entertain of their signal services, in such manner as he may deem consonant with the occasion.

Extracts from a report submitted to the Senate of New York, on the 24th of February, 1815, by Mr. VAN BUREN, recommending a loan to the General Government for the payment of the militia.

“The committee further respectfully suggest that the services proposed to be rewarded, have been rendered by persons who, generally speaking, are in immediate want of the sums respectively due to them, and to whom further delay would be injurious and distressing—that in the opinion of the committee, their claims to the friendly aid of this state, are not confined to their wants, but are infinitely enhanced by the virtue and patriotism of the objects of that aid—that the moneys proposed to be loaned are principally due to the militia of the northern and western parts of this state, and such as were ordered there from other sections of the state,—to the brave men who met and successfully resisted the veterans of the enemy on the banks of the Saranac,—to those who performed tedious and laborious services at Sac-

kets Harbor, and at various other posts on the western frontier,—and to that distinguished band of volunteers, who under the gallant Porter, stamped an indelible record of American valor on the shores of the Niagara.

“The committee, therefore, recommend the passage of the amended bill now reported by them, as a measure, which, while it makes a beneficial provision for a numerous and highly meritorious portion of our fellow-citizens, without detriment to the state, will at the same time, in no inconsiderable degree, conduce to the general good, by a decisive expression of our confidence in the credit of the nation; and will moreover furnish additional evidence of that devotion to the interests of the union, which it has been the ambition of this state to evince, whereby she has acquired a rank among her sister states, to which her exertions in the late contest richly entitle her, and which it should be the pride and glory of her sons to maintain.”

Extract from the answer of the Senate to the speech of Governor Tompkins in 1816, prepared by Mr. VAN BUREN.

“While the Senate sympathize with those of their fellow-citizens on whom the sufferings and deprivations

tions incident to a state of hostilities have fallen with peculiar force, they cannot too strongly express the proud satisfaction they derive from the reflection, that the war in which the nation has been involved, arduous and sanguinary as it has been, *was not only righteous in its origin, and successful in its prosecution, but that our country has arisen from the contest with renovated strength and increased glory.*

“Among the advantages which have resulted to our country from the late war, your excellency has justly referred to the elevation of our national character, and to our increased confidence in the efficacy and stability of our political institutions. While the former is to the nation wealth, strength, and the source of happiness, the latter is the sheet anchor of their hopes, and emphatically the palladium of their liberties.”

Speech of Mr. VAN BUREN, in the Senate of the United States, January 28, 1828, on the bill for granting pensions to the surviving officers of the revolutionary army.

MR. VAN BUREN said he approached the discussion of the bill under consideration with a degree of solicitude he had seldom experienced. It arose from a deep consciousness of the importance and de-

licacy of the subject, and the difficulties which would attend a satisfactory determination. He freely confessed that he did not remember a legislative question in which his feelings had been more deeply engaged. These feelings, sometimes too sanguine, and always ardent, might now deceive him ; but he could not suppress the conviction, that, upon the doubtful issue of the present question, the character of our country was, in no inconsiderable degree, suspended. It would, indeed, have afforded him the highest gratification, could he anticipate with confidence a favorable result. But when he beheld the formidable concentration of talent and numbers arrayed against the petitioners and their advocates, he was but too conscious of the difficulties against which they had to contend. Undeterred, however, by these circumstances, he would proceed to discharge the duty which seemed to be required by his connexion with the committee by whom the bill had been reported.

His brethren of the committee, said Mr. V. B., had pronounced a merited eulogium upon the character and services of the petitioners. Considerations which arose naturally from the subject, but upon which, although far from being exhausted, he would not attempt to dwell. Indeed, he was greatly deceived, if, on this point, there was any diversity of opinion. Whatever expressions might escape from gentlemen in the warmth of debate, he was sure that

the transcendent merits of the petitioners, after having received the attestation of impartial history, were not now to be the subject of examination or of doubt. Sir, if, in the mysterious dispensations of an all-wise and over-ruling Providence, we, too, are doomed to experience the common calamities of nations, it may become our duty to receive these dispensations with meekness, and bear them with fortitude. But if there be a stain from which he would be most desirous of rescuing the American name, it would be a stain of ingratitude to the surviving officers of the revolution. If there be a calamity which, more than any other, he would pray to have averted, it would be the calamity of witnessing, in an American Senate, a cold insensibility to the services of those whose devotion to their country in peace, and whose constancy in war, had extorted the applause of an admiring world.

If, sir, gallantry in the field, and devotion to country, ever deserved the meed of grateful remembrance, the encomiums bestowed by my colleagues upon the revolutionary officers will find their approval in every patriot bosom. But their merits, great as they were, appear to be enhanced by the cause in which they were engaged. Revolutions in government had been witnessed before, and they have been witnessed since. But if we consider the principles involved, the means employed, and the results pro-

duced, may I not be indulged in expressing the conviction that they dwindle into insignificance with this. The Revolution in which they embarked, was not only the most important, in civil government, that oppression has produced or patriotism accomplished, but must, in the nature of things, for ever remain so. The materials for another equally important, do not, I fear, exist ; and, perhaps, the progressive character of man precludes a well-grounded hope that they will ever again arise. Why, sir, said he, do I allude to these high considerations? Not, I am sure, for the purpose of display ; and as little with a view to indulge in self adulation. It is because the unparalleled blessings, which, as a people, we enjoy ; the great and successful example that has been given to the world ; and the perpetual influence which that example must exert in its future destinies—awaken in every mind the most intense anxiety, lest the closing scenes of that mighty conflict should be unworthy of its own great character—and that the page of history which embalms the virtue and heroic deeds of our fathers, may not at the same time record the too early degeneracy of their sons. The petitioners at your bar are destined to be our witnesses with posterity. It is in their persons that an opportunity is afforded, either to repel, or in some degree, confirm the imputation cast upon Republics by the enemies of freedom, that ingratitude is their inherent and inextinguishable

ble vice: and it was earnestly to be hoped that our decision might be such as would be favorable to them, to ourselves, and to the cause of liberty.

But, sir, said Mr. V. B., instead of pursuing these general remarks, allow me to invite your attention to the question immediately under consideration.— In doing so, my first attempt will be to separate that which is not a subject of disputation from that which is: for in this, as in other cases, time may be consumed, and arguments fruitlessly employed, in supporting positions which have never been questioned, or enforcing opinions in which all are agreed.

First, then, it will be admitted, on all sides, that the promise made by the Congress of the Confederation of half pay for life to the Revolutionary officers serving to the end of the war, was made by competent authority: that the condition upon which the promise was founded has been fully performed: that the obligation thereby created rests upon the present Government in its original force: and that if it has not been fully, fairly, and justly performed, it ought now to be discharged. The critical condition of the country at the time the promise was made—the fact that this inducement to remain in service had been held up to the Army from the commencement of the war, by various resolves of Congress—that this alone prevented their abandonment of a service, in which they were not bound to remain by any of those con-

siderations which operate on the generality of mankind—that to their continuance in the Army, more than to any other cause, under the blessings of Providence, the successful termination of the war was, in the opinion of Gen. Washington, mainly attributable, and that the sacrifices which they incurred, in consequence of their determination to remain, were almost unparalleled—are points upon which there can be no difference of opinion, and requiring, after the able comments of the Senators who had preceded him, no additional illustration.

If this, sir, said Mr. V. B., has been the unquestionable engagement of the Government, if the petitioners are thus entitled to its fulfilment by the performance of the sole condition on which it was made to depend—the question will be asked, has that engagement been satisfied? And if satisfied, how has it been done?

Those who maintain that the Government had fulfilled its engagement, rest their position on the ground of the commutation of the five years' full pay, which has been given in lieu of the promised half-pay for life. Whatever might be the diversity of sentiment with respect to the legality or the fairness of that commutation—the means by which it was effected—and the manner of its execution—and on these points he acknowledged there was room for an honest difference of opinion: there was one position, he thought

sufficiently plain to challenge the acquiescence of every reflecting mind. It is, sir, that this commutation tendered by the Government as a complete fulfilment of its promise, has been any thing but a fair and just equivalent. To demonstrate this, a few observations only will be necessary.

The intelligent Chairman of the Committee, who reported the bill, whose ability in the exhibition of the claims of the petitioners would entitle him to more than the humble tribute of respect, which it was in his power to render, had submitted to the Senate statements and calculations establishing the following results:

1. That, according to authentic tables for the computation of annuities, the *five years'* half-pay, ought to have been *seven*, at the time it was given, in order to make it a fair equivalent, and that the reduction of this just allowance was attributable to the necessities of the Government, and not to a disposition to elude the claims of the petitioners.

2. That, owing to the failure of the States to supply the funds necessary to the payment of the interest, and ultimate redemption of the principal, of the "commutation certificates;" these commutation certificates for five years' full pay, given as an equivalent for half-pay for life, rapidly depreciated. So that, when compelled by necessity to dispose of them,

they in fact produced to the officers less than one year's pay.

3. That when these commutation certificates were funded in 1791, a deduction was made equal to one third of their amount, by deferring the interest for ten years, upon one-third of the principal, and allowing only three per centum on the interest which had accrued since 1783.

That this deduction was made by the Government, on the ground (and could be justified on no other,) that these certificates were in the hands of speculators, who had availed themselves of the necessities of the officers, brought upon them by their stipulated continuance in service, and thus were enabled to obtain them at a reduced and almost nominal price.

Mr. V. B. said he would refrain from attempting to enforce the views, upon this branch of the subject, presented by the Senators who had preceded him. It would be time enough to do so, should these views be ever contested. He candidly acknowledged, however, that they did not constitute the material arguments upon which he relied, for the purpose of showing the gross inadequacy of the commutation awarded to the petitioners: and he would therefore proceed to state the grounds upon which he predicated his proposition, with all the brevity and perspicuity in his power.

The certificates for commutation of half pay, were issued under the resolution of March, 1783, and delivered in November, 1783. They admitted, upon their face, that five years' full pay was due to their holders, to be paid with interest at the rate of six per centum per annum. These certificates were redeemed by the operation of the funding act in 1791. They were, of course, for different amounts, according to the respective ranks of the officers. The average pay of the officers was \$30 per month, and the amount which would have been due to each officer for half pay, allowing interest after the same was acknowledged to be due, would have amounted in 1791, when the redemption took place, to \$1,742 40.—The average amount of five years' full pay for each officer, amounted with interest, in 1791, to \$2,664 00; from this amount one-third was deducted in the redemption, as he had before stated. The average amount therefore received by each officer in 1791, for his five years full pay, assuming that these certificates had been retained, would have been \$1,776.

From this simple statement it results that, in consequence of the delay in discharging the commutation, and the deduction which was forcibly made in doing so, the Government paid no more than would have been due to the officers for their half pay alone, up to the period when the commutation was actually made. To that period, therefore, the officers gained

nothing by that measure. Since that time years have rolled away, during which they would have received the promised half pay, had it not been for the commutation. The sum which would have been payable to the officers since that period, is the sum precisely which the officers have lost, and the Government has gained, by this variation by the Government from its original contract.

This subject, said Mr. V. B. is simple, founded upon data which cannot deceive by their plausibility, and is liable to no mistake, except the mere errors of calculation. Those he had endeavored to avoid.— The average half pay of each of the petitioners from the year 1791 to 1828, would have amounted to \$13,177 83. This sum, multiplied by 230, the number of Revolutionary officers supposed to be yet in existence, would amount to \$3,030,710. The effect of the commutation upon the Treasury, and upon the interests of deceased officers, could not be, said he, distinctly stated without a particular knowledge of the time of their respective deaths. But from what we know upon that subject, there was a moral certainty that the gains of the Treasury from that source had not been diminished, but on the contrary greatly increased.

It is, then, said he, an ascertained and incontestible fact, that in addition to all the injuries sustained by depreciation, the officers have lost by the course

of events, and the Government has gained a sum not less than \$3,030,710, in consequence of that commutation which is now set up to bar the claims of the petitioners—claims predicated upon a promise of the Government, held out to the officers as an inducement to remain, and constituting the chief reward for the most signal services ever performed by men in the cause of freedom and their country.

Upon these facts, said Mr. V. B., a question arises for our decision, no less important to the Government than to the petitioners ; because, involving the character of the one, and the interests of the other. What is it? Is it confined to the legal rights and obligations of the parties? No, sir, I shall never, said he, bring my mind to consider the question of strict legal right, when I look at the parties. Who are they? On the one hand, the Government of the United States, not liable to be impleaded, and incapable of being coerced against its will by any power superior to its own—rich in resources, and overflowing with redundancy ; on the other a remnant of the officers of the revolutionary army, borne down by the infirmities incident to age—with one foot in the grave, and the other upon the threshold of your door, supplicating the fulfilment of that promise which was made them in the vigor of their days. If even they have *legal* rights, where is their remedy to enforce them They cannot in the nature of things have

any. But candor constrained him to acknowledge, that in strictness, they have not now, whatever they may once have had, any rights, except such as are founded upon the immutable principles of justice.—As early as the year 1785, the Government found it necessary to protect itself against dormant and unfounded claims, arising from the revolutionary contest, by a statute of limitations. Various acts and resolutions were passed upon the subject before the year 1793, more or less comprehensive in their terms; and in that year an act was passed so comprehensive in its provisions, as to embrace the claims of the petitioners, and barring them, unless presented by the 1st day of May, 1794. The officers did not present this claim until 1810, and are therefore precluded from urging their vested legal rights. Being thus furnished with a general answer to all claims which do not address both our consciences and judgments, Congress have nevertheless relaxed, from time to time, the rigor of their own act, when considering claims founded on justice, and not opposed by policy. But as none of these suspensions have embraced the case of the petitioners, we have it in *our power*, if we can have the heart to present this statute of limitations to the petitioners, and under its mantle, resist the cry for justice, if not for bread. The question, then, is not what we are bound to do by law, but what we should do. What conduct on our part will

bear the scrutiny and the judgments of impartial men, when the opportunity to remedy the consequences of our decision shall have passed away?

Let us look, for a moment, said Mr. V. B., at the arguments advanced by the opponents of the bill. The meritorious services of the petitioners, the signal advantages that have resulted from these services to us and to posterity; the losses sustained by the petitioners, and the consequent advantages derived by the government from the act of commutation, are unequivocally admitted. But, it is contended, we have made a compromise *legally* binding on the parties, and exonerating the government, from further liability, that in an evil and unguarded hour, they have given us a release, and we stand upon our bond. Now the question which he wished to address to the conscience, and the judgments of this honorable body, was this—not whether this issue was well taken in point of law—not whether we might not hope for a safe deliverance under it—but *whether the issue ought to be taken at all*—whether it comports with the honor of the Government to plead a *legal* exemption against the claims of gratitude—whether, in other words, the government be bound at all times to insist upon its strict legal rights. Has this been the practice of the government on all former occasions? Or, is this the only question on which this principle should operate? Nothing, said Mr. V. B. can be easier than to show

that the uniform practice of the Government has been at war with the principle which is now opposed to the claim of the petitioners. Not a session had occurred since the commencement of this government, in which Congress had not relieved the citizens from hardships resulting from unforeseen contingencies—and foreborne an enforcement of law, when its enforcement would work great and undeserved injury. He might, if excusable on an occasion like this, turn over the statute book, page by page, and give repeated proofs of this assertion. But it is unnecessary, He would content himself with a reference to one or at most two measures of the character described. In the year 1812, between the months of June and September, goods to an immense amount were shipped *from England to the United States*, by American merchants, in open violation of the acts prohibiting their importation. They alleged in justification, either their anticipated repeal of these acts, in consequence of the measures of one of the belligerents ; or their apprehension that in the event of a declaration of war by the United States, their property would be seized and condemned in the British ports. The declaration, in fact, took place ; but the importers were not the less liable to the fines and penalties imposed by a violated law, and merchandise to the value of more than *twenty millions of dollars* was forfeited to the United States. Upon the arrival of the goods,

the owners were permitted to retain and use them, upon giving bonds to abide the decision of their Government. Application was made to Congress for relief: and although it was well known that immense profits were made upon their importation, and not a doubt existed of their liability to forfeiture, Congress, by an act which fills but a single page upon that statute book, cancelled the bonds and relinquished merchandise, which, if retained, would have been equal in value to one-fourth of the whole expenses of the war, and which would doubtless have been retained had the Government insisted upon its legal rights, and acted on the principle now contended for.

The system which has been pursued in relation to the purchasers of public lands, is not a less memorable example of a departure from that rigorous policy now recommended to our imitation.

By the act of 10th May, 1800, the minimum price of the public lands was fixed at \$2 the acre; one-twentieth of the purchase money was required to be paid at the time of the purchase, one-fourth in 40 days; the balance, *with interest*, was payable by instalments of 2, 3, and 4 years; and the forfeiture of the land was the declared penalty of non-payment.

By the act of the 26th March, 1804, *no interest* was to be charged upon instalments for future purchases, if punctually paid, and this provision, in favor of the purchaser, was extended to those whose

instalments should become due before the following October.

Under this liberal system, yielding to the Government but little more than the necessary expenses of surveying the lands, supporting the various land offices, and providing for the holder a secure landed title, a debt accumulated prior to the year 1820, from the purchasers of the United States, amounting to twenty-two millions of dollars.

Before that time repeated indulgencies had been granted, extending the times of payment, preventing the forfeitures which would have accrued, and in numerous instances, allowing a re-entry, or a new purchase of lands, improved, and forfeited to the Government upon the terms of the original purchase. No less than six acts were passed from the year 1813 to 1820, to suspend the *forfeiture* and sale of the lands thus purchased. The evil, however, had swelled beyond the reach of palliatives. A debt of 22 millions of dollars exceeded the ability, blighted the prospects, and deadened the energies of the States by whom it was due. Had the law been enforced and payment inflexibly exacted, nearly the whole of the lands thus purchased and improved, would have been forfeited to the Union, and many an honest yeoman would have been compelled to relinquish to more fortunate strangers those woods and lawns which he vainly hoped would be the solace of his declining

years. To prevent this calamity, the Government interposed, and by an act of liberality having few parallels in history, arrested the forfeitures; authorized the relinquishment of lands for which the purchasers were unable to pay; and the application of whatever sums had been paid to the payment of so much only as they thought proper to retain; cancelled the accumulated interest; extended the term of credit for that portion of the lands retained; and by a subsequent act passed in 1824, consented to receive as a *full payment* for these lands, less than *two-thirds* of the amount actually due. Nor was this all: by the act of 1821, the price of the lands was reduced from two dollars to one dollar and twenty-five cents; and he who had surrendered lands purchased at the highest sum was enabled to re-enter the same lands, if not sold at public sale, at the reduced price. Sir, said Mr. V. B., by the best estimate that I am able to make on referring to the only documents within my reach, this donation to the purchasers of public lands could not have been less than *seven millions and a half* and probably has not been short of *ten millions of dollars*. But the exact amount is not material to the elucidation of the principle from which it flowed; and in considering its value, who, that can cast his eyes upon those extensive regions where tranquillity has succeeded to disquietude, and prosperity to ruin, will attempt to estimate it by the scale of dollars and cents?

It appears, then, said Mr. V. B., that it has not been the practice of the Government to act the part of Shylock with its citizens; and God forbid that it should make its *debut*, on the present occasion, not so much in the character of a merciless creditor, as a reluctant, though wealthy, debtor; withholding the merited pittance from those to whose noble daring and unrivalled fortitude, we are indebted for the privilege of sitting in judgment on their claims; and manifesting more sensibility for the purchasers of our lands than for those by whose bravery they were won; and, but for whose achievements, these very purchasers, instead of being the proprietors of their coil, and the citizens of free and sovereign States, might now be the miserable vassals of some worthless favorite of arbitrary power.

If disposed to be less liberal to the Revolutionary officers than to other classes of the community, let us at least testify our gratitude by relieving their sufferings, and returning a portion of those immense gains which have been the glorious fruits of their toil, and of their blood.

Such, said Mr. V. B., would in his judgment be a correct view of the subject, had the Government relieved itself from all further liability by the most ample and unexceptionable performance of its stipulations. How much stronger, then, will be their appeal to your justice, if it can be shown that you

have no right to urge this act of commutation as a complete fulfilment of your promise? The act of commutation is impeached by the petitioners—first, on account of the means by which it was affected; and secondly, because the stipulations of that act have never been fulfilled.

The petitioners with reason complained that without ever having consented to be bound by the acts of their brother officers, their personal rights were made to depend upon the decision of the lines, and not upon their own individual assent. This is admitted to have been the fact. Two months were allowed to the officers of the lines, under the immediate command of Gen. Washington, and six months to those of the Southern army, to give their assent to the compromise. It does not appear that the lines of the Southern army ever gave their assent. Indeed it is stated by a distinguished Revolutionary officer on this floor, (Gen. S. SMITH,) that they never did. It does not appear that there ever was a meeting of the officers of the Northern army, for the purpose of deciding upon the question: and it is affirmed that there was none. To assume, then, that the assent of each individual was given under circumstances like these, appears to my mind harsh and unjust.—But it is alleged, in extenuation, that the compromise was made upon the petition of the officers themselves. Let this be admitted: did the application

for a just equivalent for the promised half pay for life, confer on Congress the right to prescribe the terms? Will it justify the allowance of less than that to which they were entitled? Will not the circumstances, under which this application was made, present a still stronger appeal to your liberality, if not your gratitude? Look, said Mr. V. B., at the acts of these brave and high-minded men, in whatever light you please; examine their conduct by the strictest scrutiny, and you will always find them exhibiting the purest principles and the most elevated patriotism. The half pay establishment for life, was, at that time, considered by the ardent advocates for liberty, as leading to the formation of an aristocratic body, and therefore subversive of the principles of the revolution. An intimation like this, in the infancy of our institutions, however groundless in itself, was sufficient to excite alarm. The dangers of the past were overlooked in the apprehension for the future; the measure was reprobated, and these meritorious officers became the objects of unfounded jealousy. To quiet these unreasonable fears, the petitioners expressed their willingness to waive the literal fulfilment of the promise which had been given: to remove the cause which could have a tendency to deprive them of the confidence of their fellow-citizens: to surrender the boon they had so dearly purchased; and, in addition to all that they had done, and to all

that they had suffered, to offer up their future prospects upon the altar of their country. And could any thing be more preposterous than to attempt to found upon an act, originating in motives like these, the right to prescribe the terms of commutation?— But it is alleged that the officer received the commutation certificates, and, by doing so, must be presumed to have assented to their being considered a full satisfaction of their demands. This inference was, in his opinion, removed by the peculiar circumstances under which the certificates were given.— These circumstances, said Mr. V. B. are not unworthy of the deliberate attention of the Senate. Previous to October, 1783, and subsequent to the time when the signature of the preliminary articles of peace was known to the army, frequent applications had been made in their behalf, to Congress, for an adjustment of accounts, and payment of the large arrearages which were due. These applications were fruitless. The failure of the states to comply with the requisitions of Congress, deprived that body of the means of discharging their engagements: and with a full sense of the services and privations of the army, and of the injustice they were about to commit, Congress were on the point of disbanding them, unpaid and unrequited, and sending them penniless and almost naked to their homes. The effect of this anticipated measure upon minds sensibly alive to indignity and

injury may be easily imagined:—At the moment when passion might have triumphed over reason, the army was addressed by an anonymous writer, on the subject of their wrongs, with a degree of eloquence calculated to redeem, if any thing could redeem, the vicious tendency of his principles. He admonished them of the futility of their complaints, and urged them, by every motive that could be addressed to their hopes and to their fears, to change the supplicatory style of a memorial to language more becoming those who had the means of redress within their hands. At that perilous moment, on the events of which were suspended the honor of the army and the future welfare of the country, their commander-in-chief appeared amongst them. He conjured them to give one more distinguished proof of unexampled patriotism, patience and virtue; to rise superior to the most complicated sufferings, and by the dignity of their conduct, give posterity occasion to say, when speaking of their glorious example—“Had this day been wanting, the world had never seen the last stage of perfection, which human nature is capable of attaining.”

They listened to the voice of their beloved commander, followed his advice, surrendered their arms—and sunk, penniless, into the ranks of private life. In the succeeding month, the certificates of commutation were tendered, by the pay-master general,

who requested only an acknowledgment of their receipt, while in relation to the final settlement certificates for their pay, he required a full discharge of their demands. The certificates thus tendered, were accepted and in almost every case, immediately sold, for the purpose of satisfying the most urgent necessities of nature. He asked the Senate whether it would comport with the dignity and honor of a great and magnanimous people to avail themselves of an acceptance extorted by circumstances like these ; and to urge it as sufficient to bar the claims of justice, and divest their protectors in the hour of danger, of their stipulated reward ?

But it has been said, that this commutation excited no dissatisfaction at the time ; that the complaints upon the subject, are of recent date, and now, for the first time, thought of as a plausible support to an unfounded claim. The Senator from S. C. [Mr. SMITH,] who has been impelled, by a sense of duty, to assume the unpleasant task of zealously opposing the bill upon your table, has enquired with much apparent triumph, whether a single individual could be pointed out who had refused the commutation ? He assured the worthy Senator that he had adopted an erroneous impression. When tendered, it was received with universal discontent, and by the junior officers, who were most likely to be injured, with decided reprobation. Had an opportunity for inquiry been allowed, he had

no doubt of being able to designate many who had refused. At the moment he could refer the Senator to Major Gadsden of his own State, whose petition on the subject has been presented to the Senate; and if respect for the feelings of an honorable member before him, did not render it improper to drag the name of his venerable father into the debate, he could name another veteran soldier of the Revolution,* the confident of Washington and the companion of Lafayette, who had served his country bravely and efficiently throughout the war, and who refused to receive the commutation, because violating, in his opinion, the leading principles of the Revolution, by subjecting his property to the decision of men whom he had never authorised to act in his name or stead. But, sir, said, Mr. V. B., what effect did the supposed injustice of his country have on this veteran soldier? Did it in the least damp his ardor in her cause? By no means. He belonged to a different school, and he gave the most palpable proof of the enduring quality of the principle of that school during the late war. On learning the approach of danger he repaired to this city. On the disastrous day of *Bladensburgh*, he was found, at the advanced age of seventy, on horseback in the field, stimulating to exertions, by his example and exhortation. When the danger pressed the hardest he waited on the military com-

* Col. McLane, of Delaware.

mander of the day, and solicited the responsibility for the safety of the City, by being entrusted with the possession of this capitol, with a reasonable force for its defence. Denied in his application, mortified and humiliated by the results of the day, he found his way back to his home and the home of his family, where he still lives, blessed with the esteem of his friends, and the respect of all who know him.

But assuming, said Mr. V. B. that the act of commutation was just, in its inception, was it just in its execution? On this point, he thought there was no room for contrariety of opinion. An essential difference, he observed, existed between the claims for pay and subsistence of the army, and those arising from the stipulation of half-pay for life. The former being payable during the war, when it was known that the finances were embarrassed, were properly subject to the depreciation of that period. But the promised half-pay for life was expected to survive the period of embarrassment, and therefore to be payable in the sound currency of the country. Some of the reasons which inclined the officers to accept a commutation have already been noticed. The necessity of obtaining pecuniary means to enable them to embark in other pursuits, formed a no less prevalent inducement. To effect this object, it was obviously necessary that the equivalent to be received should be promptly paid or adequately secured. The act of

commutation did neither. It is surely not enough to say that the resolution of Congress prescribed that the commutation of five years full pay should be paid in securities, unless it can be shown that paper, absolutely worthless, was the security intended. Can it for a moment be supposed, that Congress meant to deceive their brave defenders, by holding out a "promise to the ear," only "to break it to their hopes?" No, sir, they meant what they expressed, that the securities should be real, and not nominal; their repeated and earnest requisitions upon the States prove their intention; and nothing but the inherent weakness of the government, and the failure of the States to comply with the requisitions of Congress—an excuse fortunately not in our power to plead—prevented that venerated body from redeeming their engagements. But though the depreciation which followed was not attributable to Congress, its effects upon the officers was not the less fatal. Necessity, that waits not for times or seasons, compelled too many to carry their certificates into market, and the amount which they produced served but to realize the destruction of all their hopes. The few who retained them until 1791, experienced a loss not less severe than unexpected. It has already been stated that, by the operations of the funding system, one-third of the amount which the commutation certificates declared to be due was deducted by the government. The reason al-

leged for a measure apparently so destructive of public confidence and individual rights, was the well known fact, that by far the greater part were held by speculators who had purchased them at an inconsiderable price. Mr. Madison, it is true, endeavored to exempt the certificates in the hands of the officers from this deduction; but having failed in his attempt, the least necessitous of the officers were doomed to experience a diminution of their already insufficient commutation.

This act of commutation, therefore, is clearly liable to the objection:

1st. Of not being a just equivalent for the promised half-pay for life.

2dly. Of having been effected under circumstances, and by the operation of motives, which deprive it of all obligatory force, and entitle the officers to liberality instead of rigour.

3dly. Of partial and defective execution.

If, said Mr. V. B., no other obstacle were interposed to the claims of the petitioners than those to which he had alluded, fortified as they are, by facts not susceptible of misconstruction, and resting upon the plain and immutable principles of justice, no doubt could be entertained of your favorable decision. But he was apprehensive that other considerations would have their influence: that the claims of the petitioners would be clouded by dangers in prospective; and,

that the fear of establishing a precedent by which the door of your Treasury would be unlocked to a crowd of applicants pleading their poverty, and urging their misfortunes, may induce you, in this case, to resist the strongest impulses of your hearts, if not the dictates of your judgments. Among the different grounds upon which this apprehension is founded, a leading one, he said, is, "That the bill did not embrace the cases of private soldiers, who might also have sustained injustice, and whose services were not less meritorious than those of the officers themselves."

Before I proceed, said Mr. V. B. to consider this objection, allow me to call your attention to one or two incidental remarks. A variety of persons, officers of the Army, who have not served to the end of the war—private soldiers, militia officers, and citizens who had borne the privations of that period, had been successively brought in review before the Senate; and their losses and sufferings, after having been forcibly depicted, were urged as a reason for the rejection of the claim of the petitioners.

If, said Mr. V. B., any thing could aggravate the injustice already inflicted upon the petitioners, it would be an objection like this. Had the claims of the persons alluded to been similar to those of the petitioners, the argument derived from an equality of right would be entitled to attention; but if dissimilar, let them be disjoined. The allowance of the one

can constitute no ground for the admission of the other; and by uniting them together, you throw upon the petitioners the misfortunes of others, (misfortunes for which they are in no sense responsible,) in addition to their own.

Now, Sir, said Mr. V. B., it is easy to demonstrate that no similarity exists. What is the object of this bill? To repair a wrong in not having given a just equivalent in satisfaction of a promise of half-pay for life. Do the claims of any others rest upon a basis like this? It is alleged that any such or similar engagement was made with the soldier? Most assuredly not. If, then, no similarity exists, an attempt to connect them would be plainly unjust.

I am aware, said Mr. V. B., of the imposing character of the argument that has been urged in favor of the claims of the common soldier. In a Government like ours, appeals in their favor cannot be made without effect. They derive their force from that all pervading jealousy of power, which is generally supposed to be the concomitant of official station and accidental elevation. Although not insensible to its influence, he was not disposed to complain of its effect; and when properly directed or controlled, he considered it necessary to the successful operation of our political system.

But, sir, said Mr. V. B., instead of yielding our judgments to favor on the one hand, or improper pre-

judice on the other; it became our duty as public men, to know no distinctions but those of merit, and no rule but that of justice. Was it true, then, he asked, that the partiality of the Government had inclined to the officer, in preference to the soldier? Is it not evident, on the contrary, that in every case the former has been treated with distrust, and the latter with indulgence. Upon what can the soldiers predicate a claim for additional compensation? Upon the ground of the depreciation, and no other. The losses of the officers, on this account, were as much greater than those of the soldier, as the relative difference of their pay; and yet this bill contains no provision in their favor upon that subject. This, then, can form no objection to the proposed allowance. But, sir, in relation to the relative condition of the officer and soldier when they entered the service, General Washington informs us in his letters to the States, contained in the book which I hold in my hand, that the private soldiers had this signal advantage over the officers. They received at the time of enlistment, from the States, by which they were raised, a bounty from two to three hundred dollars, in good money, or provision for their families. No such advances were received by the officers. What, sir, said Mr. V. B., has been the subsequent conduct of the Government? The average pay of the officers, calculating from a colonel downwards, was forty dollars

per month. That of the soldier was six dollars and a quarter.

Now, by the pension act of 1818, the allowance to officers and soldiers, reduced to poverty, was, for the officers, twenty dollars per month, and for the soldiers eight dollars per month. Giving to the officer less than half-pay, and to the soldier more than full pay. So, said he, would it ever be. Whatever might be the declamatory appeals upon this subject, there was no danger that the partiality of Congress would ever be manifested for the officer, to the exclusion of the fair claims of the soldier. To prevent misapprehension, said Mr. B., I will proceed further. I have said, that I am not insensible to the feeling which had been so strongly pressed into the argument. As an evidence of the sincerity with which he spoke, he expressed his willingness to adopt any measure in favor of the soldier, that the gentleman opposed to him, could reasonably desire. Most of the soldiers, said Mr. V. B., had been placed upon the pension list. The limited number who had not, must average seventy years of age.—Let, said he, a section be prepared, placing all who had enlisted for the war, upon the pension list, at eight dollars per month, without requiring evidence of poverty. For a measure like this, he would readily vote; if even more were proposed, it should receive his deliberate attention, and if possible, his

concurrence. Frauds might be practised ; but they would, of necessity, be of short duration. Even now, the expense would not be felt ; in a few years it would cease to be remembered ; while the fame that would attend it, would constitute one of the most valuable legacies to posterity that can be left behind us.

Instead, then, of opposing the bill because it contains no provision for the soldier, might he not with some propriety ask of gentlemen to propose a remedy for this defect, and not condemn for omission—whilst making no effort to have that omission supplied ?

Another cause of apprehension from this bill, as a precedent, arises from the supposition that if it be intended to provide for losses incurred by the depreciation of commutation certificates, the government will be bound to compensate for similar losses, whether incurred by the army or the public creditors. These fears, said Mr. V. B. I consider visionary. The bill does not propose a compensation on account of depreciation. This would be impracticable, because no data could be obtained by which an estimate could be formed to justify a legislative act. The depreciation of the commutation certificates has been referred to solely for the purpose of enforcing the equity of a claim originating in a contract, never satisfied by the act of commutation, but from which

you are legally absolved by the acts of limitation.— Until the soldiers can plead a similar contract, and the equitable considerations which the officers have urged, they can have no right to place their claims on an equal footing. Still, less, sir, said Mr. V. B. can it be said that this bill will afford a pretext for reviving the dormant claims of the public creditors. Their case is widely different from that of either the officers or the soldiers. While the pay of the army was fixed and stationary, its actual value was reduced by the depreciation of currency, which they were compelled to receive at par. But the suppliers of the army, the great mass of public creditors, regulated their contracts by the fluctuations in which they expected to be paid, and the prices demanded bore an exact proportion to its depreciation in market.

It has been urged, too, as an objection, that provision had not been made for the officers who did not serve to the close of the war, and for the militia.— It was sufficient to say that with them the government had entered into no such engagement. The surviving officers of the revolution, who had been called from service before the end of the war, generally by public considerations, would not, he was persuaded, repine at the success of their brethren in arms, or make it the basis of unfounded complaint. It has been stated by the venerable and worthy Sena-

tor before me, [Gen. S. SMITH,] that this bill will not embrace his case, for the reasons he has given. Who would have more cause to complain than he, if indeed, any cause could be found in the measure proposed? Of his conduct and services in two wars, it would be superfluous to speak. They are familiar to us all; and he wished he could add, had been as well appreciated by the Union as by the State whose interests he had promoted in peace, and whose safety he had defended in war. The solicitude which he had manifested for the friends of his youth, and his companions in danger, must have awakened the sensibilities of those who witnessed it; while his zealous though disinterested support of the bill upon your table, constituted a convincing proof that it would be viewed by others, who might be excluded from its provisions, with equal satisfaction:

The last, and to his mind, the strongest objection against the passage of this bill, was its making no provision for the widows and children of deceased officers, who were entitled to half-pay. By whom, sir, said Mr. V. B. has this objection been adduced? By the parties themselves? No, sir; by those who have had no conference with the parties. Do they advocate the claims of the heirs and widows because they have heretofore been importunate for relief?—No, sir; from the first agitation of this question; in 1810, to the present moment, he was authorized, he

believed, to say, that not a single petition had been presented in their behalf. Sir, said Mr. V. B. we resist the claims of the living by exorcising the spirits of the dead. The gentleman from Georgia declares that he will not vote for the bill, because the heirs and widows are not included, and that he would not vote for it, if they were. It has been asked by the Senator from South Carolina, whether a positive debt, a vested interest, does not descend to the heir, and whether a government, any more than an individual, is discharged by the death of its creditor?—The objection thus presented is plausible in appearance, but he was persuaded easily surmounted. He had already, in his opinion, given a satisfactory answer. Whatever might have been the original character of the claim, it could no longer be regarded as legally binding on the government. It was barred by the statute of limitations—a measure sometimes harsh, but not the less founded in policy and justice. This shield, interposed by the government for justifiable ends, might be removed, at the option of the government only in the cases which policy and justice might demand. It has a perfect right to permit it to operate upon the officers, their widows, or their heirs—and neither might, in strictness, have a legal ground of complaint. I have endeavored, said Mr. V. B. to show that equity requires, and policy does not forbid the allowance proposed for the surviving

officers. The claims of the widows, stood, in his opinion, on a different foundation. But he should not be willing, for one, to oppose them. Their number must be small ; not half as great, in all probability, as that of surviving officers ; say one hundred at the outside. Give them a gratuity of one or two thousand dollars each ; and if necessary, deduct it from the sum you would otherwise give to the surviving officers. They, he was well assured, would not utter a complaint. On the contrary, the value of what they received, would be doubly enhanced by the cause of the deduction. The supposed claims of the heirs could not be presented to your attention with equal force. Of the two thousand four hundred and eighty officers of the revolution, two thousand two hundred and fifty are no more. Their temporal interests, whatever they were, have been distributed, in some cases, among successive generations. To ascertain and distribute the respective shares, to which the heirs would be entitled, of the small amount now proposed to be given, if not wholly impracticable, would involve an expense that would consume the means of your bounty ; and without being productive of substantial benefit, your resources would be exhausted. But, said he, these are considerations of an inferior character, founded on expediency only. Your refusal to grant to the heirs, may be placed on the highest ground of prin-

ciple. Whatever you now do in favor of the officer, must be voluntary, proceeding from your liberality and gratitude. All other obligations have been cut off by time. All your endowments springing from such motives, being for the reward of personal services, may with propriety be confined to those by whom those services were rendered. This, said he, is not a new principle, in your legislation. It lies at the foundation of the act of 1818, providing, not for the heirs, but certain portions of the revolutionary officers and soldiers, by the operation of which, millions have in his opinion been beneficially applied. It was called indeed a pension act, but with no more propriety, according to the established principles of the government, than the bill upon your table.

What, according to these principles, are the grounds upon which pensions have been granted? They were exclusively, disability produced by known wounds received in the public service, and half pay for a limited time, to the widow and infant children of those who had fallen in action. Since the date of our independence, these only have been the legal and appropriate causes for being placed on the list of pensioners. The annual allowance to a limited number of the officers and soldiers of the revolutionary army, by the act of 1818, was founded on no such consideration, otherwise the widows and orphans of the deceased officers and soldiers would have been as

much entitled to your bounty as they can be now. — They did not receive it ; and the only justifiable reason which could then have been given, was the one which may now be assigned. You had a right to make your donation personal. You had a right to enlarge or contract the circle of your beneficence, according to your own views of the state of your treasury, the exigencies of society, and the claims of humanity. Among the most powerful motives for its adoption, was a desire to rescue the country from the reproach of seeing those to whom it was indebted for its liberties, thrown, in the evening of their days, amidst the prosperity they had been instrumental in producing, upon the cold charities of an unfeeling world. It was to prevent the vivid and heart-rending picture of Roman ingratitude, which, though the invention of modern days, has so long interested the world, from being only descriptive of real life in the streets of this proud capitol.

Mr. V. B. said he would say nothing as to the amount. Full justice had already been done to that subject. The general object was to make up, in part, the loss sustained by the officers out of the profits made by the government, by the successful result of its compromise with them. Let us, therefore, said he, pass the bill upon your table. Let this body have the credit of originating it. Let no narrow or weak views impede our course. No matter where

those honorable and patriotic men are from; whether from the North or the South, the East or the West; whether from the old States or the new. In every State where the blessings of a free government are enjoyed, there they had a name, if not a local habitation, that could not fail to work its way to the hearts of their fellow-citizens. It was true, he said, that by the list submitted, it did not appear that any of the officers resided in seven of the new States, and he was not sorry for it. If he were not deceived in the character as well of the people of the States, as of their representatives on that floor, they would rejoice that an opportunity was thus presented to evince their devotion to the cause of the revolution, and their gratitude for the services of those who fought our battles in that day, without even a suspicion of a selfish or local object. This will be the more gratifying to them, because it was not their good fortune, as States, to be in a situation to take part in that great struggle, out of which grew this mighty empire, and all the blessings of civil and religious liberty, that we now so preeminently enjoy. He had not a doubt that all that remained for them to do, they would do well. If evidence of the fact were wanting, he had only to allude to the small but patriotic State of Illinois, which alone had instructed her representatives on that floor, upon the subject under consideration, in a spirit reflecting upon her-

self the highest credit, and affording the most flattering presage of her future greatness.

Mr. V. B. said, that he was distressed by the consciousness that he had already trespassed too much upon the kind indulgence of the Senate. In any other case he would have considered it reprehensible to have done so. He would therefore, (although there were yet many considerations which he intended to have urged,) draw his observations to a close. There was, however, one point upon which he felt too much solicitude to suffer it to pass unnoticed.— If by any one he had been understood as casting aught of censure or reproach upon the old Congress, he desired to correct so erroneous an impression.— He could not indeed have done so consistently with his own long cherished opinions. On the contrary, he did not believe that the world ever witnessed, or ever again will witness a body of men more patriotic or enlightened. He would not believe that it was in their nature to be indifferent to the just claims of the revolutionary army. The question with them was not what they would, but what they could do.— The embarrassments under which they labored from want of power, and the backwardness of the States, who themselves were struggling against the exhausting effects of a cruel, bloody and protracted war, were known to all. As little did he wish to cast reproach upon the councils of the nation. Every

thing could not be done at once. Much has been done under the present Constitution, to satisfy the claims of justice, and vindicate the character of the republic. It is our good fortune that something still remains for us to do. Fear not, that in doing it, you will go beyond the wishes of your constituents—your feelings lag behind them. Speaking for his immediate constituents—and he had not the presumption to suppose that they were more just or public spirited than their neighbors—for them he could say, with confidence, that, having some share in the national funds, and contributing no inconsiderable part of their amount, they would willingly pour them out, like water, in a cause so righteous. With them, a million more or less of public debt, compared with the preservation of the public faith, would be as nothing. He gloried in the consciousness that he was a representative of a people influenced by such elevated sentiments. Every day, said he, makes the remnant of this band of worthies more dear to the American people. When that period arrives—which a majority of the Senate may expect to see—when the last of the officers of the revolutionary army shall be called from time into eternity, it will be the cause of keen regret, and self-reproach, if, upon a review of the past, it shall appear that any thing was omitted that ought to have been done, to smooth their passage to the tomb.

One word more, and he had done. The Senator from Maine, [Mr. CHANDLER,] who, although he had lost his father in the struggle, had felt it to be his duty (and there was no man, he believed, who more implicitly followed his sense of duty,) to oppose the bill, had, with his characteristic shrewdness and pertinency, asked—did General Washington, whilst at the head of government, ever recommend this subject to the notice of Congress? The worthy Senator well knew what the answer must be, and the train of reflections it would give rise to. General Washington did not—but why? Before and after the war, he spared no pains to make the States sensible of what was due to the officers on this very point. His letters have been read. He urged them by all the considerations that belonged to the subject, to act efficiently for their relief. He failed. After he came into the government, the officers themselves evinced no disposition to revive their claims, and it certainly would not have become him to be the first to bring them forward. It is not difficult to conceive why the officers were, at that day, willing to avoid all applications for pecuniary aid. New prospects opened—they were probably not exempt from those feelings of ambition and hope of preferment, which actuate mankind. They have out-lived them, and they humbly ask for justice. But, sir, what was the language of the Father of his Country, when

the subject was an open one? In his circular of June, 1783, to the governors of the States, he said :
 “ The provision of half pay for life, as promised by
 “ the resolution of Congress, was a reasonable com-
 “ pensation offered at a time when congress had no-
 “ thing else to give to the officers for services then
 “ to be performed ; it was the price of their *blood*
 “ and your *independence*, and as a debt of honour, it
 “ can never be cancelled until it be fairly discharg-
 “ ed.” One question, said Mr. V. B. and I have
 done.—Has it been fairly discharged ?

[In reference to the rejection of Mr. Van Buren, by the Senate of the United States, when nominated as Minister to Great Britain, we have selected the masterly speech of Mr. FORSYTH, and the correspondence between the Republican Members of the legislature of New York and President JACKSON, as abundantly sufficient to vindicate the conduct of Mr. Van Buren, and to expose the true character of that wanton, violent and unjustifiable measure.]

REMARKS OF HON. JOHN FORSYTH,

In the U. S. Senate, on the nomination of Mr. Van Buren.

[Mr. Forsyth makes no apology for the rough sketch he presents of the remarks made by him in the secret sessions of the Senate, on the nomination of Mr. Van Buren. The speeches against the nomination having been, for the first time in the history of this government, thrown upon the people, it is due to the person assailed, that what was suggested on the other side should be known. Mr. Forsyth is well aware that, in executing his part of this duty, he has done justice neither to the subject nor to himself.]

I regret, Mr. President, that the Senator from Mississippi, (Mr. Poindexter,) has been so long absent from his seat, not only because he has been suffering pain, but because had he been here, he could have escaped the commission of numerous errors into which he has been led. The friends of Mr. Van Buren have not obstructed inquiry into his conduct; they have challenged investigation, offered it in every and any form consistent with the obligations of the Senate to its own character. The Senator from Maine, (Mr. Holmes) shrunk from his own resolution. It was laid aside by the votes of those opposed, contrary to the votes and wishes of those friendly to the nomination. That Senator was distinctly invited by one of the Senators from New York, (Mr. Marcy,) to specify any act dishonorable to the character of Mr. Van Buren, and a pledge given that inquiry into it should be made in the amplest manner by a committee having all the power necessary to the establishment of truth. The Senator from Maine was distinctly told by the Senator from South Carolina, (Mr. Hayne,) on what terms he could command his vote. He was told to cover the ground indicated, by proof, and he would join in the condemnation of the choice of the President. The Senator from Maine deliberated on this offer, and, after deliberation, abandoned his resolution, leaving all to grope their way to a conclusion, as accident or prejudice might direct

them. A promise was made, that he should have a committee if he would venture upon it, and the offer was deliberately and most unequivocally declined. Yet, after all this, at this eleventh hour, the Senator from Mississippi says, if the friends of Mr. Van Buren will solicit a committee, he will give what he has collected, while confined to his sick chamber, and on which his own opinion is formed, and if the committee is not raised, he will, with this matter in his pocket, vote against the nomination, in order to preserve the morality of the nation, endangered by the bestowal of a new office on a *gambling* politician.

As the friend, personal and political, of Mr. Van Buren, I reject the *liberal offer* of the Senator, in defiance of his threatened negative on the nomination. Let him unite with those who, like him, are so anxious to preserve the morality of the country by rejecting a man whose most odious crime is his rising popularity and transcendent ability. The friends of Mr. Van Buren will not degrade him by asking a Committee, to free him from the suspicions engendered in the Senator's mind, in his search after correct information, from sources within his reach. His character wants no such justification. Does the gentleman wish to justify his vote? Let him propose a Committee; he shall have our concurrence. Does he desire to convince the Senate? Let him produce the private source information, which, I venture to

say, like the only one he speaks of *openly*, is worthless in the eye of any man who is not so embittered by prejudice that he cannot see truth. This letter, by a former partizan, a paltry editor of a paltry newspaper, and to prove what? that Mr. Van Buren said that the late Cabinet was dissolved by the conspiracy of the Vice-President, to drive Maj. Eaton from the Cabinet, and that he withdrew to escape the consequences of the dissolution. Sir, Mr. Van Buren holds no such conversation with persons who were *once his partizans*, and now his enemies.

But supposing he had declared, or does entertain, the opinion imputed to him. Is it a crime which disqualifies him for a high office, that he believes the charge made and sought to be established by the late Secretary of War? If such be the Senator's opinion, can he tell us how far the exclusion extends? The Senator's letter story is contradicted by his previously expressed opinion. What, Sir, the most artful man in the world, proclaim to a paltry editor that he acted in the manner indicated, to *escape the storm* consequent on the dissolution of the Cabinet! If it had been true—if such had been his motive, he would have sought to conceal it from himself. No degree of confidential intimacy could have tempted an artful intriguer to such a disclosure. The story if true, proves a man, whose extraordinary prudence, under all circumstances, through a long life in the stormy

politics of a vexed and turbulent State, has gained him the confidence of his friends, and called down upon him the charge of consummate artifice from his enemies, to be a silly driveller—a simpleton, opening his budget of petty motives to one whose trade was to thrive, by making himself important by confidential and oracular disclosures in his unknown journal.

Mr. Van Buren stands in a strange condition before us; from the beginning of this administration, before he came to the post assigned him, until the present hour, he is held accountable by a certain description of political men in this country for all the evil that has been done, and all the good that has been omitted. Now, sir, if he is accountable for every thing, if his hand is to be traced every where, let him have credit for the good that has, and the evil that has not, been done. Balance the account of the admitted good and evil imputed, and the result will fill the hearts of his enemies with the bitterest disappointment. But, sir, this is not the justice intended for him. He is responsible for all that is complained of. Let us see the Senator from Mississippi (Mr. Poindexter's) catalogue. There were no Cabinet Councils—did the country suffer from his failure to follow the example of late administrations, from this adherence to the example of General Washington? But there was *one Cabinet Council* called to sit on

a lady's reputation. Indeed, and this Mr. Van Buren is also answerable for. And is it true, sir, that the honorable members of the late cabinet who remained so tranquilly at their posts enjoying all their emoluments and honors with becoming gratification, suffered themselves to be deprived of their accustomed rights of a seat and voice at the Council Board of deliberations on great matters of vital interest to the public, and yet obeyed the beck and call of Mr. Van Buren, to sit upon a lady's reputation! Of what stuff were they made that they did not distinctly ascertain if this restriction of claimed right, and this insulting call upon them to step out of their appropriate spheres was the work of Mr. Van Buren or the act of the President. If the first, why did they not demand his dismissal, and, if refused, indignantly throw their commissions in the teeth of the Chief Magistrate. The omitted Cabinet Councils, and the single call, were no such dreadful offences until obliged to follow Mr. Van Buren's example and resign. The history of the last year establishes the wisdom of the President in calling no Cabinet Council to deliberate as there could have been no harmony in their consultations, and on the single question said to have been submitted, the Executive Cabinet have shown themselves incompetent to decide. He is not competent to decide on a lady's reputation, who throws out of view on the question of

how she should be treated, her *guilt* or *innocence*. I will not condescend further to refer to the trash with which the public press has been loaded and polluted for months, and unless the Senator from Mississippi has better evidence than the public has yet seen, the hope of implicating Mr. Van Buren in the disturbances that preceded the dissolution of the Cabinet, is forlorn.

Let us see the next crime in the catalogue of the Senator from Mississippi, (Mr. Poindexter.) Mr. Van Buren intrigued the dissolution of the late Cabinet, taking care previously to secure a safe and prominent retreat in the mission to England. It is known to every well informed man in this district that Mr. Van Buren, by his admirable temper, his conciliating manners and unwearied exertions, kept the cabinet together long after its discordant materials were so well ascertained that its dissolution sooner or later was a matter of common speculation. Sir, nobody doubted that the parties could not get on together, and the only surprise was, that the President did not proceed to restore harmony by the removal of those whose disagreements produced the discord. But Mr. Van Buren had the unparalleled effrontery to resign on motives of delicacy and disinterestedness, and as this mode of conduct was so unusual, it has excited a vast deal of surmise and wonder. The Senator from Mississippi, (Mr. P.) has however, satisfac-

torily to himself, solved the mystery. Mr. Van Buren arranged himself into a prominent place, *before he resigned*, and a new cabinet to suit his ambitious views. Now, sir, as to the proof of this preconcerted arrangement for his accommodation and elevation. The President told somebody, who was a late Secretary, that Mr. Van Buren was to go to England, and named to him the Secretaries, who were to come in ; but this was *after* Mr. Van Buren had resigned. In the interview it is acknowledged that Mr. Van Buren's letter of resignation was handed to this volunteer repeater of conversations with the Chief Magistrate. But the Senator says it was *before the letter was published*—thence he concludes Mr. V. B. had made a cat's paw of the President for the promotion of his own views : a most logical inference, truly ! And this new cabinet arranged to further Mr. V. B.'s unholy ambition ! Is there man, woman, or child in the country, who does not know and feel that the change has been beneficial to the public, that there is now more strength, more virtue and more harmony than there was before ? Is there any man who will hazard his reputation by asserting that the present secretaries are capable of being made the instruments of any man's ambition, or so subject to the bias of individual influence, as the late ? Partizans are not substituted for pure, disinterested patriots ; and let me say, sir, that more partizans have gone out than have come in.

But this mission to England was not sought by Mr. Van Buren ; his friends know that it was pressed on him by the President, and that it was reluctantly accepted at the earnest solicitations of friends who were satisfied it would promote his own reputation, and redound to the honor and welfare of the nation. I will not follow further the Senator's lead. Long known to me as a politician and as a man, acting together in the hour of political adversity, when we had lost all but our honor—a witness of his movements when elevated to power, and in the possession of the confidence of the Chief Magistrate, and of the great majority of the people, I have never witnessed aught in Mr. Van Buren which requires concealment, palliation, or coloring—never any thing to lessen his character as a patriot and as a man—nothing which he might not desire to see exposed to the scrutiny of every member of this body, with the calm confidence of unsullied integrity. He is called an artful man—a giant of artifice—a wily magician. From whom does he receive these opprobrious names? From open enemies and pretended friends. In the midst of all the charges that have been brought against him, in shapes more varying than those of Proteus, and thick as the autumnal leaves that strew the vale of Volambrosa, where is the false friend or malignant enemy that has fixed upon him one dishonorable or degrading act? If innocent of artifice,

if governed by a high sense of honor, and regulating his conduct by elevated principles, this is not wonderful; but, if the result of skill, of the *ars celere artem*, he must be more cunning than the devil himself, to have thus avoided the snares of enemies and the treachery of pretended friends.

It is not possible, sir, that he should have escaped, had he been otherwise than pure. Those ignorant of his unrivalled knowledge of human character, his power of penetrating into the designs, and defeating the purposes of his adversaries, seeing his rapid advance to public honors, and popular confidence, impute to art what is the natural result of those simple causes. Extraordinary talent, untiring industry, incessant vigilance, the happiest temper, which success cannot corrupt, nor disappointment sour; these are the sources of his unexampled success,—the magic arts—the artifices of intrigue, to which only he has resorted in his eventful life. Those who envy his success, may learn wisdom from his example.

Having disposed of the catalogue of the Senator from Mississippi, let me advert to the grounds occupied by a little army of objections on the other side of this chamber: How many sacrifices of feeling to duty, are we not about to witness! the honorable Senators of Maryland, Connecticut, Delaware, Massachusetts, Ohio and Kentucky; are constrained by duty to vote against his nomination—and *all*, on pub-

lie grounds—no private feeling; Oh no! nothing like it; public duty against private feeling, is the order of the day. And what is the dreadful public crime Mr. Van Buren has committed? Hear—sir, hear. He has degraded the country by giving instructions to the late Minister to Great Britain, Mr. McLane, about the West India trade. What instructions? Can it be those on which the act of 1830 passed—those which have been among our printed documents for these twelve months, forming part of the President's communication to Congress of January, 1831. Have those honorable gentlemen who are now so shocked at the public degradation, so eager to punish the author of this national disgrace, been sleeping at their posts—no one to cry out, to ring the alarm, at the dangers to which the public honor was exposed—no one to interfere to prevent the United States from being placed at the foot-stool of the British throne? Quietly witnessing the consummation of the crime, passing an act with their knowledge of these instructions, to secure *the boon*, which they *now see* was begged in the name of party from the British crown; we are now electrified by bursts of indignation at this first act of degradation in the history of American Diplomacy!

What a spectacle is here!—How long is it since he who was the instrument to bow us down before Great Britain, was unanimously confirmed to a post

of honor and important trust? But the instrument by whom he was ordered to act, is to bear the punishment. The author of the instructions, he by whom they were given, is too high to be reached at present; the author of the crime, he who ordered it, escapes—he who commits it, by order, goes free; he who conveys the order, answers for both, and upon his head falls all the indignation of these incensed Senators, acting upon public grounds, and reluctantly performing a PAINFUL—PAINFUL—duty !

Well, sir, to this degradation. It is found in the instructions to Mr. McLane; and to make out their case, the honorable Senators from Massachusetts and Kentucky, have given us a sketch of the history of the West India negotiation.—Both brought down their narratives to the taunting reply of Mr. Canning to Mr. Gallatin, given during the late administration. From this point, both these honorable Senators found it convenient to slide—no, sir, to leap over all intervening events to the instructions to Mr. McLane. With permission, I will fill up this unimportant chasm.—The terms of the British act of Parliament not having been accepted by the United States, American vessels were excluded by an order in Council, from the British West India ports. Why this important interest was neglected, we have been just told by the Senator from Kentucky: “the late administration were ignorant of the act of Parliament until

it was casually seen by them." "It was not officially communicated by the English Government to our Government." "Even when we were colonies, we were not bound by British acts of Parliament, unless specially named in them." Indeed: is it possible that the late administration did not know an act of Parliament affecting important interests? Where were all our accredited ministers and commercial agents in Great Britain, that this government was not informed of this measure, known to all Europe, and taken advantage of by most of the powers interested in it. But it was not officially communicated to us. Well, sir, was it officially communicated to any other Government interested in its contents as we were? The British Government, I apprehend, would have considered such a communication a gross reflection upon our accredited agents. It would have compelled them to say, in effect, we communicate to you an act, supposing your agents are too negligent of their duty to send it to you. What were our ministers and agents about, how were they employed, that they did not send to their Government this important information?

But the last excuse is worse than all; "even when Colonies, we were not bound by acts of Parliament in which we were not named specially." What a discovery! and it is concluded from this wise recollection, that we are not *now bound* to take notice of acts of Parliament not *specially* and *officially* com-

municated to us. I imagine we are not bound by them, communicated to us or not, but we are bound to know all those touching our interests, and any administration is severely reprehensible for ignorance of them, and for failing to attend to those that bear injuriously upon the interests of the people. The act was, however, at last known, and when Mr. Gallatin presented himself to negotiate, with instructions to waive all claims that were formerly presented, and had prevented an arrangement, he was tauntingly told, you have lost your day in court—the privilege, *the boon*, offered, had not been secured by accepting the conditions: we have taken our course, negotiation is not our plan. Well, sir, what said the administration of which the honorable Senator from Kentucky formed a part? There was an act of Congress, requiring, on the shutting of the British West India ports against us, an interdict by proclamation. Smarting under this taunting refusal to negotiate, what was done? The execution of an act of Congress positively directing the proclamation, was suspended by executive authority for two months before the meeting of Congress and during the whole succeeding session, to see if Congress, who had been prevented the preceding session from legislating—the administration preferred the eclat of a negotiation—could not legislate the executive out of the difficulty into which he had placed the country by negli-

gence, or if the Senator from Kentucky pleases, ignorance of the act of Parliament. We all know how that effort terminated. The two houses disagreed about the mode of effecting the purpose: both, however, willing to take the privilege on the conditions proposed by Great Britain. The Senate passed a bill—the House, under the influence of the Senator from Massachusetts, amended, and the question was, whether one or the other oblique path should be trodden. The session terminated without legislative enactment, and then, and not till then, the proclamation of interdiction was issued. Thus, sir, smarting under the taunt of the British minister, our administration left the whole trade in the hands of Great Britain of six or eight months—sought to cover itself from censure by invoking legislative interposition, and then, was compelled to act on the suspended statute.

The interdict being proclaimed, the trade stood upon the very advantageous footing, according to the Senator's judgment, which we have lost by the negotiation. Notwithstanding we were enjoying such *eminent advantages*, the late administration, in spite of the taunt, directed Mr. Gallatin to try again to procure what is now disparaged, by opening the door of negotiation after it had been shut in his face. He was again repulsed. But this humiliation was not enough; Mr. Barbour was sent to London and he too had his instructions, and went, cap in hand,

knocked at the closed door for negotiation. Sir, he knocked at the door of the British Ministry, under circumstances humiliating in the extreme. If a gentleman should go a second time to a house, the proprietor of which, speaking from his window, had directed his porter to deny him to the visiter, his visit would have been somewhat like Mr. Barbour's second call. Yes, sir, yet the humiliation was vain—the second as fruitless as the first.

Such was the condition of this question, when General Jackson was placed at the head of the country. One of the first objects of his administration, was the recovery of the British West India trade; an arrangement of it upon terms of just reciprocity, satisfactory to both parties, and therefore, promising to be permanent. Mr. McLane was selected to go to England, and these much abused instructions prepared by the late of Secretary of State. Let it be remembered, sir, these are instructions from the President of the United States to the American minister, never intended for the eye of the British government, and which in no other country but ours, would ever have seen the light.

The opening of the negotiation was the chief difficulty. To remove it, two grounds are taken. It will be remembered that our refusal to accede to the terms of the act of parliament, was made the ground of refusing to treat with Mr. Gallatin and Mr. Bar-

bour, both of whom went prepared to offer an arrangement by reciprocal legislation, taking the act of parliament as the British legislation. To obviate the difficulty, after a fair and full history of the transaction, these suggestions are presented to Mr. McLane, to be pressed so far as *he might deem it useful and proper so to do*. If the British persist in refusing to hear you, on this subject, remind them of the circumstances that have occurred ; of the difference of opinion among ourselves on it ; of the abandonment by the administration of those pretences that had prevented an adjustment of it ; that they are not to be again brought forward ; that the past administration was not amenable to the British Government, nor to any other than the people of the United States, who had passed upon all their acts.— Say to the British, if it makes pretensions formerly advanced, the pretext for still declining to negotiate, the sensibility of the American people will be deeply awakened. That the tone of public feeling by a course so unwise and untenable, will be aggravated by the known fact that Great Britain had opened her colonial ports to Russia and France, notwithstanding a similar omission to accede on their parts, to the terms offered by the act of Parliament. And this, sir, is represented as the language of entreaty, as the begging of a boon. This menace of the public indignation : this declaration that the late administra-

tion was neither to be censured or praised by foreign nations ; was amenable for their conduct to no earthly tribunal but the people of the United States, is tortured into a claim of privileges, on party grounds for party purposes, and as a disgraceful attempt to throw upon a previous administration unmerited disgrace, for the sake of currying favor with a foreign power, and that power of all others, Great Britain.

Great Britain could not resist this frank and open and manly appeal. Committed by their concession in favor of France and Russia, and the ministry distinctly told by Mr. McLane, that he would not remain if they declined negotiation, or placed their refusal upon any other ground than an open declaration that their interests could not permit them to enter into a reciprocal engagement with the United States, the English Cabinet reluctantly yielded ; and then came the most odious feature in this transaction, that which has sharpened the intellect of the opposition, to discover dishonor in truth, and a want of dignity in a frank exposition of facts, *its crowning success*. Mr. McLane and Mr. Van Buren, under Gen. Jackson, succeeded in affecting an object of public solicitude, that Mr. Adams and Mr. Clay and Mr. Gallatin and Mr. Barbour could not obtain.—The country was humiliated by the preceding administration without success ; hence the charge against Mr. Van Buren ; hence the overwhelming anxiety to

prove that the success of the late negotiation has been purchased by humiliation. The British cabinet desired not to make the arrangement, it interfered with great local interests, and if they could, without a manifest and unjust distinction to our prejudice, they would have declined admitting the United States to the privileges granted to the other maritime powers.

Not satisfied with his condemnation of Mr. Van Buren's instructions, the Senator from Kentucky attempts to show us, by referring to another letter of instructions, how this affair should have been conducted consistently with his ideas of national honor and dignity. The letter from which he has read to the Senate extracts, is, I think, signed H. Clay. — Will the Senator tell us who is responsible for it? — If he is, then he exhibits himself in the singular position of a man triumphantly contrasting the work of his own hand, with that of a rival author. The Senator knows that there were two other instructions, written by himself of a subsequent date, one to Mr. Gallatin after Congress failed to legislate, and another to Governor Barbour; neither of which is before us, therefore, not to be contrasted with Mr. Van Buren's work. I am content to abide by the result of a contrast of the instructions he has condemned, with those he has quoted. Let us see how the gentleman's letter will bear the test of examination. Mr. Gallatin, he says, was not instructed to

abandon a right; we were to be at liberty at a more convenient season to resume it. Mr. Gallatin was to give a strong proof of our desire to conciliate by a temporary concession of what we had previously claimed throughout the whole negotiation. Was Mr. Gallatin instructed to say to the British Government, this is a temporary *concession*? No, sir, he was authorised to waive the claim, and make an arrangement on the British basis. Put this into plain language, and what was it; stript of its diplomatic drapery and verbiage, and it is neither more nor less than an abandonment of a pretension, which, though we had supported by argument, we were resolved not to enforce by power. Sir, this covering up of a plain truth is the common trick of diplomacy; it deceives no one, and had Mr. Gallatin presented these conciliatory concessions, they must have been received as a virtual and total abandonment of our pretension. The honied words of right waived from a conciliatory spirit, and with the hope of corresponding friendly dispositions, would have been received with a sneer, lurking in the official—artificial smile of a—thorough bred diplomatist. The Senator, insists, however, it was a right and not a pretension.—If it was a right, why was it waived or surrendered? For conciliation sake? Why, sir, we were the offended party. England had taunted us. England had refused once, twice, thrice to negotiate, and yet

to conciliate England, we were waiving a well-grounded right? For what purpose were we thus conciliating? To place the trade on its present footing, to the great injury of the navigation and commerce of the United States. Such is the view now taken by several honorable senators who have favored us with their opinion on this subject.

The present administration waived no right for conciliation sake; sacrificed no principle. It stood upon the truth, and truth only; and whatever may be the custom of others, and the ordinary usages of diplomacy, the administration was right. Nations fold themselves in the robes of falsehood, and swell and strut in vain, to preserve an air of dignity and decorum. No nation ever was just to its own character, or preserved its dignity, that did not stand at all times before the world in the sober and simple garb of truth. Sir, the character of our diplomacy has undergone a marked change; we are no longer pretenders to skill and artifice; all our wiles are facts and reasons—all our artifice, truth and justice. The honorable Senator tells us that this instruction is false, or else it proves Mr. V. B. to have been criminally ignorant of what it was his duty to know.—How does he make this appear? He alleges that Mr. V. B. charged the late administration with being *the first* to advance the pretension it subsequently abandoned—and this he declares is untrue, the

pretension was set up before the late administration came into power. Now, sir, as I read this paragraph, Mr. V. B. does not charge the late administration with being the first to advance this pretension. The Senator will recollect this is a letter to Mr. McLane, whose personal knowledge is appealed to, and who must have understood the writer as alluding to a fact of general notoriety. The words are "*those who first advanced,*" &c. have subsequently abandoned. Can any man mistake the meaning—the meaning perfectly in accordance with the fact? The pretension was advanced by the use of the famous *elsewhere* in our act of Congress, an act known to have been penned by Mr. Adams, who had previously occupied the ground covered by it, in his instructions to Mr. Rush. It was Mr. Adams who first advanced and abandoned this ground. The credit or the odium, which ever term belongs in justice to the act, attaches to Mr. Adams, and so Mr. McLane could only have understrod it, and so must the Senator from Kentucky, if he examines with a desire to understand it in the spirit of the author.

There are considerations connected with Mr. V. B. if I deem it consistent with his honor, that I could present to those that hear me, that would not fail to make a deeper impression upon their minds. But I ask no remembrance of *his forbearance*; no recollection of *his magnanimity*; I appeal to no one to

imitate *his mildness and courtesy and kindness* in his deportment here, nor to judge *him* as he judged *his rivals* for fame and power. I demand for him nothing but justice—harsh—harsh *justice*.

CORRESPONDENCE.

Letter of the Republican members of the New-York Legislature, to the President.

ALBANY, Feb. 9, 1832.

To his Excellency ANDREW JACKSON,
President of the United States.

SIR—The undersigned in the performance of the duty with which they have been charged by the republican members of the legislature of the state of New-York, have the honor to transmit herewith, the proceedings of a meeting held by them in the Capitol of this State, on the 3d inst. In doing so, they cannot restrain the expression of the feelings of indignation with which they view the act to which these proceedings refer.

A great majority of the citizens of this State have given repeated evidences of the high estimation in which they have held your administration of the affairs of the nation. The inflexible integrity which has marked every act of your public life—the more than military courage, with which the responsibilities of your high station have been assumed, and the

constant regard manifested by you to the purity of the Constitution, have strengthened their attachment to your person and your government; and they have not been regardless of the manner in which the splendid career of a military life, has been followed by the many signal blessings which your civil administration, has bestowed upon our country.

This State witnessed with pride, the selection of Mr. Van Buren by your excellency as Secretary of State: Our citizens had given repeated evidences of their confidence in him. With the watchfulness becoming a free people, they had regarded his conduct, in the various stations to which he had been called by the constituted authorities of the State.— They had witnessed his attachment under all circumstances, to the principles of the democracy of the country, and they had then recently evinced the extent of their confidence by elevating him to the highest office within their gift. They felt that your Excellency's removal of him to a wider sphere was an act of justice at once to his capacity, honesty and fidelity to the constitution, and to the character of this State and the feelings of its people. They cheerfully acquiesced in that removal, and freely surrendered their most distinguished fellow-citizen to your call, because they recognized in it additional confirmation of the high hopes they had imbibed of the character of your administration. They saw with

undissembled pleasure, his efforts to aid your Excellency in your successful attempt to restore the government to its purity; and when his withdrawal from the high station to which your partiality had exalted him, became necessary for the preservation of your peace against the attacks of those who were alike enemies to your person and your principles, they beheld in your continued confidence in him, irrefragable proof, that no combination could close the eyes of your Excellency, to the cause of your country, and no personal considerations arrest your efforts for the common welfare. They saw, that amid the assaults made upon your principles by unfaithful servants, the honor of our country was not lost to your view, and they felt, that the same ardent patriotism, which had been manifested on the walls of New Orleans, had been brought into the administration of the government. They saw and felt this, in the effort made by your Excellency, to acquire by frank and honest negotiation, that for which we had warred with Great Britain; which had been abandoned, if not surrendered, by subtle diplomacy; and upon which your Excellency, at least, had not been silent.

The people of this whole country, felt indeed that their confidence in your Excellency was not misplaced; for they saw and knew that no considerations of a private nature could for a moment affect your ardent desire to promote the common weal.

It is true they were aware that there were citizens in this Union, who could justify and participate in this surrender of "free trade and sailor's rights," who could "calculate the value of the Union," and who could laugh at our calamities in a period of war and general distress. But they could not believe that such feelings could sway any branch of our hitherto unsullied government, and least of all, that they would ever dare combine to impede the attempt of your Excellency, to secure that for our country, for which we had expended millions of our money, and for which thousands of our citizens had laid down their lives.

Your Excellency has ever appreciated the feelings of the people of this country, and it will not now be difficult for you to judge of those which pervade this whole community, against an act unprecedented in the annals of our country; which has impaired the hitherto exalted character of our national Senate—which has insulted a State that yields to none in attachment to the Union; and which has directly attacked an administration that is founded deep in the affections of the people.

The State of New-York, sir, is capable in itself, of avenging the indignity thus offered to its character, in the person of its favorite son. But we should be unmindful of our duty, if we failed in the expression of our sympathy with your Excellency's

feelings of mortification, at this degradation of the country you have loved so well. Yet be assured, sir, that there is a redeeming spirit in the people, and that those whom we have the honor to represent, ardently desire an opportunity of expressing their undiminished confidence in an administration, which has exalted the character of our country, which has restored the purity of the government, and has shed abroad upon the whole nation the continued blessings of peace and prosperity.

In the fervent hope, that your Excellency may yet be spared many years to bless and adorn the only free nation upon earth, we remain your sincere friends, and Very humble servants,

N. P. TALLMADGE,	THO. ARMSTRONG,
LEVI BEARDSLEY,	JOHN F. HUBBARD
J. W. EDMONDS,	E. LITCHFIELD,
CH. L. LIVINGSTON,	WM. SEYMOUR,
G. OSTRANDER,	AARON REMER,
J. W. WILLIAMSON,	JAS. HUGHSTON,
PETER WOOD,	WM. H. ANGEL.
ED. POWELL,	

THE PRESIDENT'S REPLY.

WASHINGTON, FEB. 23, 1832.

Gentlemen: I have had the honor to receive your letter of the 9th inst. enclosing the resolutions passed

“at a meeting of the republican members of the Legislature of New York,” on the rejection by the Senate of the United States of the nomination of Martin Van Buren as Minister to England.

I am profoundly grateful for the approbation which that distinguished body of my republican fellow-citizens of New York have on that occasion, been pleased to express of the past administration of the affairs placed in my charge by the people of the United States, and for their generous offers of continued confidence and support. Conscious of the rectitude of my intentions, my reliance in all the vicissitudes of my public life, has been upon the virtue and patriotism of an enlightened people.

Their generous support has been my shield and my stay, when, in times past, the zealous performance of the arduous military duties allotted to me, though crowned with success, was sought to be made a ground of reproach ; and this manifestation on the part of my fellow citizens of the great State of New York, assures me that services not less faithful in the civil administration will not be less successfully defended.

When such reliance fails the public servant, public liberty will be in danger: for if the people become insensible to indignities offered to those, who, with pure intentions devote themselves to the advancement of the safety and happiness of the country,

public virtue will cease to be respected, and public trusts will be sought for other rewards than those of patriotism.

I CANNOT WITHHOLD MY ENTIRE CONCURRENCE WITH THE REPUBLICAN MEMBERS OF THE LEGISLATURE IN THEIR HIGH ESTIMATION OF THEIR EMINENT FELLOW CITIZEN, WHOM THEY HAVE SO GENEROUSLY COME FORWARD TO SUSTAIN. TO THIS I WILL ADD THE ASSURANCE OF MY UNDIMINSHED RESPECT FOR HIS GREAT PUBLIC AND PRIVATE WORTH, AND MY FULL CONFIDENCE IN THE INTEGRITY OF HIS CHARACTER.

In calling him to the department of state from the exalted station he then occupied by the suffrages of the people of his native state, I was not influenced more by his acknowledged talents and public services, than by the general wish and expectation of the Republican Party throughout the Union. The signal ability and success which distinguished his administration of the duties of that department, have fully justified the selection.

I owe it to the late Secretary of State, to myself, and to the American people on this occasion to state, that as far as is known to me, he had no participation whatever in the occurrences relative to myself and the second officer of the government, or in the dissolution of the late cabinet ; and that there is no ground for imputing to him the having

desired those removals from office which, in the discharge of my constitutional functions, it was deemed proper to make. During his continuance in the cabinet, his exertions were directed to produce harmony among its members; and he UNIFORMLY ENDEAVORED TO SUSTAIN HIS COLLEAGUES. HIS FINAL RESIGNATION WAS A SACRIFICE OF OFFICIAL STATION TO WHAT HE DEEMED THE BEST INTERESTS OF THE COUNTRY.

Mr. McLane, our then minister at London, having previously asked permission to return, it was my anxious desire to commit all the important points remaining open in our relations with Great Britain, to a successor in whose peculiar fitness and capacity I had equal confidence: and to my selection Mr. Van Buren yielded a reluctant assent. In urging upon him that sacrifice, I did not doubt that I was doing the best for the country, and acting in coincidence with the public wish; and it certainly could not have been anticipated that, in the manner of successfully conducting and terminating an important complex negotiation, which had previously received the sanction of both houses of congress, there would have been found motives for embarrassing the executive action, and for interrupting an important foreign negotiation.

I can never be led to doubt, that in the instructions under which that negotiation relative to the

trade with the British West Indies, was conducted and successfully concluded, the people of the United States will find nothing either derogatory to the national dignity and honor, or improper for such an occasion.

Those parts of the instructions which have been used to justify the rejection of Mr. Van Buren's nomination by the Senate of the United States, proceeded from my own suggestion ; were the result of my own deliberate investigation and reflection ; and now, as when they were dictated, appear to me to be entirely proper and consonant to my public duty.

I feel, gentlemen, that I am incapable of tarnishing the pride or dignity of that country, whose glory, both in the field and in the civil administration it has been my object to elevate : and I feel assured that the exalted attitude which the American people maintain abroad, and the prosperity with which they are blessed at home, fully attest that their honor and happiness have been unsullied in my hands.

A participation in the trade with the British West India Islands, upon terms mutually satisfactory to the United States and Great Britain, had been an object of constant solicitude with our government from its origin. During the long and vexatious history of this subject, various propositions had been made with

but partial success; and in the administration of my immediate predecessor, more than one attempt to adjust it had ended in a total interruption of the trade.

The acknowledged importance of this branch of trade, the influence it was believed to have had in the elections which terminated in the change of the administration, and the general expectation on the part of the people, that renewed efforts, on frank and decisive grounds, might be successfully made to recover it, imposed upon me the duty of undertaking the task.

Recently, however, Great Britain had more than once declined renewing the negotiation, and placed her refusal upon the objections which she thought proper to take to the manner of our previous negotiation, and to the claims which had at various times been made upon the part of our government.

The American government, notwithstanding, continued its efforts to obtain a participation in the trade. It waived the claims at first insisted upon, as well as the objection to the imposition by Great Britain of higher duties upon the produce of the United States when imported into the West Indies, than upon the produce of her own possessions, which objection had been taken in 1819 in a despatch of the then Secretary of State.

A participation in the trade with the British West India Islands could not have been, at any time, de-

manded as a right any more than in that to the British European ports. In the posture of affairs already adverted to, therefore, the Executive could ask nothing more than to be permitted to engage in it upon the terms assented to by his predecessor, and which were the same as those previously offered by Great Britain herself. Even these had been denied to the late administration, and for reasons arising from the views entertained by the British government of our conduct in the past negotiation.

It was foreseen that this refusal might be repeated and on the same grounds. When it became the duty of the Executive, rather than disappoint the expectations of the people and wholly abandon the trade, to continue the application, it was proper to meet the objection to the past acts of the American administration, which objection, as had been foreseen, was actually made and for some time insisted upon.

It is undoubtedly the duty of all to sustain, by an undivided and patriotic front, the action of the constituted authorities towards foreign nations: and this duty requires, that during the continuance of an administration in office, nothing should be done to embarrass the Executive intercourse in its foreign policy, unless upon a conviction that it is erroneous. A thorough change in the administration, however, raises up other authorities of equal dignity, and equally entitled to respect: and an open adoption of

a different course implies no separation of the different parts of the government : nor does an admission of the inexpediency or impracticability of previous demands imply any want of respect for those who may have maintained them.

To defend the claims, or pretensions, as they had been indiscriminately called, on either side, in the previous correspondence, which had been for a time urged by the late administration, would have been to defend, what that administration by waiving them, had admitted to be untenable. and if that which had been by them conceded to be inexpedient, could not be sustained as proper, I perceive nothing derogatory, and surely nothing wrong, in conducting the negotiation upon the common and established principle, that in a change of administration there may be a corresponding change in the policy and counsels of the government. This principle exists and is acted upon, in the diplomatic and public transactions of all nations. The fact of its existence in the recent change of the administration of the American government, was as notorious as the circulation of the American press could make it ; and while its influence upon the policy of foreign nations was both natural and reasonable. it was proper, according to my sense of duty, frankly to avow it, if the interests of the people of the United States should so require.

Such was the motive, and such and nothing more, is the true import of the instructions, taken as a whole, which I directed to be given to our minister at London, and which neither expressed nor implied condemnation of the government of the United States, nor of the late administration, further than had been implied by their own acts of admission.

I could not reconcile it to my sense of public duty, or of the national dignity, that the United States should suffer continued injury or injustice, because a former administration had insisted upon terms which it had subsequently waived, or had failed seasonably to accept an offer which it had afterwards been willing to embrace. The conduct of previous administrations was not to be discussed either for censure or defence; and only in case "the omissions of this government to accept of the terms proposed when heretofore offered," should "be urged as an objection now," it was made the duty of the minister "to make the British government sensible of the injustice and inexpediency of such a course."

Both the right and the propriety of setting up the past acts of previous administrations to justify the exclusion of the United States from a trade allowed to all other nations, was distinctly denied, and the instructions authorised the minister to state that such a course towards the United States "under existing circumstances, would be unjust in itself, and could

not fail to excite the deepest sensibility—the tone of feeling which a course so unwise and untenable is calculated to produce, would doubtless be greatly aggravated by the consciousness that Great Britain has, by orders in council, opened her colonial ports to Russia and France, notwithstanding a similar omission on their part to accept the terms offered by the act of the 5th July, 1825 ;”—he was told that “he could not press this view of the subject too earnestly upon the consideration of the British ministry ;” and the prejudicial influence of a course on the part of the British Government so unwise and unjust upon the future relations of the two countries, was clearly announced in the declaration that “it has bearings and relations that reach beyond the immediate question under discussion.”

If the British government should decline an arrangement “on the ground of a change of opinion, or in order to promote her own interests,” a prompt avowal of that purpose was demanded ; but if they should not be prepared to take that ground, “but suffer themselves to desire that the United States should, in expiation of supposed past encroachments, be driven to the necessity of retracing their legislative steps, without knowledge of its effect, and wholly dependent upon the indulgence of Great Britain ;” they were to be made sensible of the impracticability of that course, and to be taught to expect such mea-

asures on our part as would vindicate our national interest and honor. To announce distinctly to Great Britain that we would not submit to a continued injustice, on the ground of any objection to the past conduct of the American government, whether it were right or wrong, was the obvious import of the whole instructions.

If the Executive had caused it to be stated to Great Britain, that finding his predecessors to have been in error, as was implied by subsequently waiving the terms they had advocated, and had, in expiation of those errors, abandoned the trade to the pleasure of the British Government, the interests of the United States would have suffered, and their honor been reproached ; but in excluding such considerations, as inappropriate and unjust, and in clearly avowing his purpose not to submit to that treatment, he hoped to promote the interests of his fellow-citizens, and sustain the honor and dignity of the country.

In all this, gentlemen, I have the approbation of my judgment and conscience. Acting upon the principle, early announced, of asking nothing but what is right, and submitting to nothing that is wrong, I asked that only of which the justice could not be denied. I asked a participation in the trade, upon terms just to the United States, and mutually advantageous to both countries. I directed a simple

and distinct proposition in conformity with these principles, to be submitted to the British government, and, resolving to be contented with nothing less, I ultimately arranged the trade upon the basis of that proposition, without retraction, modification, or change.—*If the national honor had not been thought tarnished by retracing our steps, by claiming more and ultimately consenting to take less, and in fact obtaining nothing ;* I feel assured, that in requiring that which my predecessors had conceded to be enough ; and obtaining all that was demanded, my countrymen will see no stain upon their dignity, their pride, or their honor.

If I required greater satisfaction than I derive from a review of this subject, I shall find it in the gratitude I feel for the success which has crowned my efforts. I shall always possess the gratifying recollection, that I have not disappointed the expectations of my countrymen, who, under an arrangement depending for its permanence upon our own wisdom, are participating in a valuable trade upon terms more advantageous than those which the illustrious Father of his Country was willing to accept ; upon terms as favorable as those which regulate the trade under our conventions with Great Britain, and which have been sought without success from the earliest periods of our history.

I pray you, gentlemen, to present to the republi-

can members of the legislature of New York, and to accept for yourselves individually, the assurance of my highest regard and consideration.

ANDREW JACKSON.

Messrs. N. P. Tallmadge, Thomas Armstrong, Levi Beardsley, John F. Hubbard, J. W. Edmonds, Chas. L. Livingston, Gideon Ostrander, John M. Williamson, Peter Wood, E. H. Wall, Elisha Litchfield, William Seymour, Aaron Remer, Jas. Hugiston, Wm. H. Angel.

Address of Mr. VAN BUREN, Vice President of the United States, on taking the Chair of the Senate, as its presiding officer, on Monday, December 16, 1833.

SENATORS: On entering on the duties of the station to which I have been called by the People, deference to you and justice to myself require that I should forestall expectations which might otherwise be disappointed. Although for many years heretofore a member of the Senate, I regret that I should not have acquired that knowledge of the particular order of its proceedings which might naturally be expected. Unfortunately for me, in respect to my present condition, I ever found those at hand who had more correctly appreciated this important branch of their duties, and on whose opinions, as to points of

order, I could at all times safely rely. This remissness will, doubtless, for a season, cause me no small degree of embarrassment. So far, however, as unremitting exertions on my part, and proper respect for the advice of those who are better informed than myself, can avail, this deficiency will be remedied as speedily as possible; and I feel persuaded that the Senate, in the mean time, will extend to me a considerate indulgence.

But however wanting I may be, for the time, in a thorough knowledge of the technical duties of the Chair, I entertain, I humbly hope, a deep and solemn conviction of its high moral obligations. I am well aware that he who occupies it, is bound to cherish towards the members of the body over which he presides, no other feeling than those of justice and courtesy—to regard them all as standing upon an honorable equality—to apply the rules established by themselves, for their own government, with strict impartiality—and to use whatever authority he possesses in the manner best calculated to protect the rights, to respect the feelings, and to guard the reputations of all who may be affected by its exercise.

It is no disparagement to any other branch of the Government to say, that there is none on which the Constitution devolves such extensive powers as it does upon the Senate. There is scarcely an exercise

of constitutional authority in which it does not mediate or immediately participate; it forms an important and, in some respects, an indispensable part of each of the three great departments, Executive, Legislative, and Judicial; and is moreover, the body in which is made effectual, that share of power in the Federal organization so wisely allowed to the respective State sovereignties.

Invested with such august powers, so judiciously restricted, and so sagely adapted to the purposes of good government, it is no wonder that the Senate is regarded by the people of the United States, as one of the best features, in what they at least consider to be the the wisest, the freest, and happiest political system in the world. In fervent wishes that it may long continue to be so regarded, and in a conviction of the importance of order, propriety, and regularity in its proceedings, we must all concur. It shall be an object of my highest ambition, Senators, to join with you, as far as in me lies, in effecting those desirable objects; and in endeavoring to realize the expectation formed of this body at the adoption of the Constitution, and ever since confidently cherished, that it would exercise the most efficient influence in upholding the Federal system, and in perpetuating what is at once the foundation and the safeguard of our country's welfare, the Union of the States.

MR. BENTON'S LETTER.

To Maj. Gen. Davis, of the State of Mississippi, declining the nomination of the Convention of that State for the Vice Presidency; defending the nomination of Mr. Van Buren for the Presidency; and recommending harmony, concert, and union, to the democratic party of the U. States.

WASHINGTON CITY, January 1st, 1835.

DEAR SIR,—We have learned that you have declined permitting your name to be used as a candidate for the Vice-Presidency of the United States, and that you have addressed a letter to that effect, some time since, to the Committee of the State Convention of Mississippi, by whom you were nominated for that high office. It will be a considerable time before your determination, communicated through that channel, can be known to the people of the United States; we therefore request the favor of a copy of your letter, if you retained one, for publication at this place, in order that your friends elsewhere, as well as in Mississippi, may have an early opportunity of turning their attention to some other suitable person. Yours, with great respect,

ROBT. T. LYTTLE, (of Ohio,)

HENRY HUBBARD, (of New Hampshire,)

RATLIFF BOON, (of Indiana,)

H. A. MUILENBERG, (of Pennsylvania.)

Honorable THOS. H. BENTON.

WASHINGTON CITY, January 2d, 1835.

GENTLEMEN,—I herewith send you a copy of my letter, declining the nomination of the Mississippi State Convention, for the Vice-Presidency of the United States. Fairness towards my political friends in every part of the Union, required me to let them know at once what my determination was; and this I have done in many private letters, and in all the conversations which I have held upon the subject.—The nomination in Mississippi was the first one which came from a *State* Convention, and therefore the first one which seemed to me to justify a public letter, and to present the question in such a form as would save me from the ridicule of declining what no State had offered. The letter to Mississippi was intended for publication, to save my friends any further trouble on my account. It was expected to reach, in its circuit, my friends in every quarter; and as you suggest that it might be a considerable time before it could return from the State of Mississippi through the newspapers, and that in the meantime, my friends elsewhere, might wish earlier information, that they might turn their attention to some other person, I cheerfully comply with your request, and furnish the copy for publication here.

Yours, respectfully,

THOMAS H. BENTON.

*Messrs. R. T. Lytle, H. Hubbard, R. Boon,
and H. A. Muhlenberg.*

MR. BENTON'S LETTER.

WASHINGTON CITY, Dec. 16th, 1834.

DEAR SIR: Your kind letter of the 8th ultimo has been duly received, and I take great pleasure in returning you my thanks for the friendship you have shown me, and which I shall be happy to acknowledge by acts, rather than words, whenever an opportunity shall occur.

The recommendation for the Vice-Presidency of the United States, which the Democratic Convention of your State has done me the honor to make, is, in the highest degree, flattering and honorable to me, and commands the expression of my deepest gratitude; but, justice to myself, and to our political friends, requires me to say at once, and with the candor and decision which rejects all disguise, and palters with no retraction, that I cannot consent to go upon the list of candidates for the eminent office for which I have been proposed.

I consider the ensuing election for President, and Vice-President, as one among the most important that ever took place in our country; ranking with that of 1800, when the democratic principle first triumphed in the person of Mr. Jefferson, and with the two elections of 1828, and 1832, when the same principle again triumphed in the person of General Jackson; and I should look upon all the advantages recovered for the constitution, and the people, in

these two last triumphs, as lost and gone, unless the democracy of the Union shall again triumph in the election of 1836. To succeed in that election, will require the most perfect harmony and union among ourselves. To secure this union and harmony, we must have as few aspirants for the offices of President, and Vice President, as possible ; and to diminish the number of these aspirants, I, for one, shall refuse to go upon the list : and will remain in the ranks of the voters, ready to support the cause of democracy, by supporting the election of the candidates which shall be selected by a general convention of the democratic party.

But, while respectfully declining, for myself, the highly honorable and flattering recommendation of your convention, I take a particular pleasure in expressing the gratification which I feel, at seeing the nomination which you have made in favor of Mr. Van Buren. I have known that gentleman long, and intimately. We entered the Senate of the United States together, thirteen years ago, sat six years in seats next to each other, were always personally friendly, generally acted together on leading subjects, and always interchanged communications, and reciprocated confidence ; and thus, occupying a position to give me an opportunity of becoming thoroughly acquainted with his principles, and character, the result of the whole has been, that I have long

since considered him, and so indicated him to my friends, as the most fit, and suitable person to fill the presidential chair after the expiration of President Jackson's second term. In political principles he is thoroughly democratic, and comes as near the Jeffersonian standard as any statesman now on the stage of public life. In abilities, experience, and business habits, he is beyond the reach of cavil or dispute.— Personally, he is inattackable; for the whole volume of his private life contains not a single act which requires explanation, or defence. In constitutional temperament he is peculiarly adapted to the station, and the times; for no human being could be more free from every taint of envy, malignity, or revenge, or, could possess, in a more eminent degree, that happy conjunction of firmness of purpose. with suavity of manners, which contributes so much to the successful administration of public affairs, and is so essential, and becoming, in a high public functionary. The State from which he comes, and of which, successive elections for two and twenty years prove him to be the favorite son, is also to be taken into the account in the list of his recommendations; that great State which, in the eventful struggle of 1800, turned the scales of the presidential election in favor of Mr. Jefferson,—which has supported every democratic administration from that day to this; a State which now numbers two millions of inhabitants,—

gives forty-two votes in the presidential election,—and never saw one of her own sons exalted to the presidential office.

But what has he done? What has Mr. Van Buren done, that he should be elected President? This is the inquiry, as flippantly, as ignorantly put by those who would veil, or disparage the merits of this gentleman; when it would be much more regular and pertinent to ask, what has such a man as this done, that he should *not* be made President?—But, to answer the inquiry as put: It might perhaps be sufficient, so far at least as the comparative merits of competitors are concerned, to point to his course in the Senate of the United States during the eight years that he sat in that body; and to his conduct since in the high offices to which he has been called by his native State, by President Jackson, and by the American people. This might be sufficient between Mr. Van Buren and others; but it would not be sufficient for himself. Justice to him would require an answer to go further back,—to the war of 1812, when he was a member of the New York Senate; when the fate of Mr. Madison's administration, and of the Union itself, depended upon the conduct of that great State—great in men and means, and greater in position, a frontier to New England, and to Canada—to British arms and Hartford Convention treason; and when that conduct, to the dis-

may of every patriotic bosom, was seen to hang, for nearly two years, in the doubtful scales of suspense. The federalists had the majority in the House of Representatives; the democracy had the Senate and the Governor; and for two successive sessions no measure could be adopted in support of the war.— Every aid proposed by the Governor and Senate, was rejected by the House of Representatives.— Every State paper issued by one, was answered by the other. Continual disagreements took place; innumerable conferences were had; the Hall of the House of Representatives was the scene of contestation; and every conference was a public exhibition of parliamentary conflict—a public trial of intellectual digladiation, in which each side, represented by committees of its ablest men, and in the presence of both houses, and of assembled multitudes, exerted itself to the utmost to justify itself, and to put the other in the wrong, to operate upon public opinion, govern the impending elections, and acquire the ascendancy in the ensuing legislature. Mr. Van Buren, then a young man, had just entered the Senate at the commencement of this extraordinary struggle. He entered it, November 1812; and had just distinguished himself in the opposition of his county to the first national bank charter—in the support of Vice President Clinton for giving the casting vote against it—and in his noble support of Governor

Tompkins, for his Roman energy in proroguing the General Assembly, (April, 1812,) which could not otherwise be prevented from receiving and embodying the transmigratory soul of that defunct institution, and giving it a new existence, in a new place, under an altered name and modified form. He was politically born out of this conflict, and came into the legislature *against* the bank, and *for* the war. He was the man which the occasion required ; the ready writer—prompt debater—judicious counsellor ; courteous in manners—firm in purpose—inflexible in principles. He contrived the measures—brought forward the bills and reports—delivered the speeches—and drew the State papers, (especially the powerful address to the republican voters of the State,) which eventually vanquished the federal party, turned the doubtful scales, and gave the elections of April, 1814, to the friends and supporters of Madison and the war ; an event, the intelligence of which was received at Washington with an exultation only inferior to that with which was received the news of the victory of New Orleans. The new legislature, now democratic in both branches, was quickly convened by Governor Tompkins ; and Mr. Van Buren had the honor to bring forward, and carry through, amidst the applauses of patriots, and the denunciation of the anti-war party, the most energetic war measure ever adopted in our America—the classification

bill, as he called it, the conscription bill, as they called it. By this bill, the provisions of which, by a new and summary process, were so contrived as to act upon property, as well as upon persons, an army of twelve thousand state troops were immediately to be raised ; to serve for two years, and to be placed at the disposition of the General Government. The peace which was signed in the last days of December, 1814, rendered this great measure of New York in-operative ; but its merit was acknowledged by all patriots at the time ; the principle of it was adopted by Mr. Madison's administration ; recommended by the Secretary at War, Mr. Monroe, to the Congress of the United States, and found by that body too energetic to be passed. To complete his course in support of the war, and to crown his meritorious labors to bring it to a happy close, it became Mr. Van Buren's fortune to draw up the vote of thanks of the greatest State of the Union, to the greatest General which the war had produced—" *the thanks of the New York legislature to Major General JACKSON, his gallant officers and troops, for their wonderful, and heroic victory, in defence of the grand emporium of the West.*" Such was the appropriate conclusion to his patriotic services in support of the war ; services, to be sure, not rivalling in splendor the heroic achievements of victorious arms ; but services, nevertheless, both honorable, and meritorious

in their place; and without which battles cannot be fought, victories cannot be won, nor countries be saved. Martial renown, it is true, he did not acquire, nor attempt; but the want of that fascination to his name can hardly be objected to him, in these days, when the political ascendancy of military chieftains is so pathetically deplored, and when the entire perils of the republic are supposed to be compressed into the single danger of a military despotism.

Such is the answer, in brief, and in part, to the flippant inquiry, What has he done?

The vote in the Senate, for the tariff of 1828, has sometimes been objected to Mr. Van Buren; but with how much ignorance of the truth, let facts attest.

He was the first eminent member of Congress, north of the Potomac, to open the war, at the right point, upon that tariff of 1828, then undergoing the process of incubation through the instrumentality of a Convention to sit at Harrisburg. His speech at Albany, in July, 1827, openly characterized that measure as a political manœuvre to influence the impending presidential election; and the graphic expression, "*a measure proceeding more from the CLOSET of the POLITICIAN than from the WORKSHOP of the MANUFACTURER,*" so opportunely and felicitously used in that speech, soon became the opinion of the public, and subsequently received the impress of veri-

fication from the abandonment, and the manner of abandoning, of the whole fabric of the high tariff policy. Failing to carry any body into the Presidential chair, its doom pronounced by the election of Jackson and Van Buren,* it was abandoned, as it had been created, upon a political calculation; and expired under a *fiat* emanating, not from the *workshop of the manufacturer*, but from the *closet of the politician*.—True, that Mr. Van Buren voted for the tariff of 1828, notwithstanding his speech of 1827; but, equally true, that he voted under instructions from his State Legislature, and in obedience to the great democratic principle (*demos*, the people, *krateo*, to govern) which has always formed a distinguished feature, and a dividing land-mark, between the two great political parties which, under whatsoever name, have always existed, and still exist, in our country.—Sitting in the chair next to him at the time of that vote, voting as he did, and upon the same principle; interchanging opinions without reserve, or disguise, it comes within the perception of my own senses to know that he felt great repugnance to the provisions of that tariff act of '28, and voted for it, as I did, in obedience to a principle which we both hold sacred.

No public man, since the days of Mr. Jefferson has been pursued with more bitterness than Mr. Van

* Over the high tariff champions, Clay and Sergeant.

Buren; none, not excepting Mr. Jefferson himself, has ever had to withstand the combined assaults of so many, and such formidable powers. His prominent position, in relation to the next Presidency, has drawn upon him the general attack of other candidates,—themselves as well as their friends; for in these days, (how different from former times!) candidates for the Presidency are seen to take the field for themselves,—banging away at their competitors,—sounding the notes of their own applause,—and dealing in the tricks, and cant, of veteran cross-road, or alehouse, electioneers. His old opposition, and early declaration (1826) against the Bank of the United States, has brought upon him the pervading vengeance of that powerful institution; and subjected him to the vicarious vituperation of subaltern assailants, inflamed with a wrath, not their own, in whatsoever spot that terrific institution maintains a branch, or a press, retains an adherent, or holds a debtor. (It was under the stimulus, and predictions of the Bank press, that Mr. Van Buren was rejected by the Senate in 1832.) Yet in all this combination of powers against him, and in all these unrelenting attacks, there is no specification of misconduct. All is vague, general, indefinite, mysterious. Mr. Crawford, the most open, direct, and palpable of public men, was run down upon the empty cry of “*giant at intrigue!*” a second edition of that cry, now

stereotyped for harder use, is expected to perform the same service upon Mr. Van Buren; while the originators and repeaters of the cry, in both instances, have found it equally impossible to specify a case of intrigue in the life of one, or the other, of these gentlemen.

Safety fund banks, is another of those cries raised against him; as if there was any thing in the system of those banks to make the banking system worse; or, as if the money, and politics of these safety fund banks, were at the service of Mr. Van Buren. On the contrary, it is not even pretended by his enemies that he owns a single dollar of stock in any one of these banks! and I have been frequently informed, from sources entitled to my confidence, that he does not own a dollar of interest in any bank in the world! that he has wholly abstained from becoming the owner of any bank stock, or taking an interest in any company, incorporated by the Legislature, since he first became a member of that body, above two-and-twenty years ago. And as for the politics of the safety fund banks, it has been recently and authentically shown that a vast majority of them are under the control of his most determined and active political opponents.

No public man has been more opposed to the extension of the banking system than Mr. Van Buren. The journals of the New-York Legislature show

that the many years during which he was a prominent member of that body, he exerted himself in a continued and zealous opposition to the increase of banks; and, upon his elevation to the Chief Magistracy of the State, finding the system of banks so incorporated with the business and interests of the People, as to render its abolishment impossible, he turned his attention to its improvement, and to the establishment of such guards against fraudulent, or even unfortunate bankruptcy, as would, under all circumstances, protect the holders of notes against loss. The safety fund system was the result of views of this kind; and if its complete success hitherto (for no bank has failed under it,) and the continued support and confidence of the representatives of two millions of people, are not sufficient to attest its efficacy, there is one consideration at least, which should operate so far in its favor as to save it from the sneers of those who cannot tell what the safety fund system is; and that is, the perfect ease and composure with which the whole of these banks rode out the storm of Senatorial and United States Bank assault, panic, and pressure, upon them last winter! This consideration should save Mr. Van Buren from the censure of some people, if it cannot attract their applause. For the rest, he is a real hard money man; opposed to the paper system—in favor of a national currency of gold—in favor of an adequate silver currency for

common use—against the small note currency—and in favor of confining bank notes to their appropriate sphere and original function, that of large notes for large transactions, and mercantile operations.

Non-committal, is another of the flippant phrases, got by rote, and parroted against Mr. Van Buren. He never commits himself, say these veracious observers! he never shows his hand, till he sees which way the game is going! Is this true? Is there any foundation for it? On the contrary, is it not contradicted by public and notorious facts? by the uniform tenor of his entire public life for near a quarter of a century? To repeat nothing of what has been said of his opposition to the first Bank of the United States, his support of Vice President Clinton for giving the casting vote against the recharter of that institution, his support of Governor Tompkins, in the extraordinary measure of proroguing the New-York Legislature, to prevent the metempsychosis of the Bank, and its revivification, in the City of New-York; to repeat nothing of all this, and of his undaunted and brilliant support of the war, from its beginning to its end, I shall refer only to what has happened in my own time, and under my own eyes. His firm, and devoted, support of Mr. Crawford, in the contest of 1824, when that eminent citizen, prostrate with disease, and inhumanly assailed, seemed to be doomed to inevitable defeat; was that non-committal? His

early espousal of General Jackson's cause, after the election in the House of Representatives, in February, 1825, and his steadfast opposition to Mr. Adams's administration; was that non-committal? His prominent stand against the Panama Mission, when that mission was believed to be irresistibly popular, and was pressed upon the Senate to crush the opposition members; was that also a wily piece of non-committal policy? His declaration against the Bank of the United States in the year 1826; was that the conduct of a man waiting to see the issue before he could take his side? The removal of the deposits, and the panic scene of last winter, in which so many gave way, and so many others folded their arms until the struggle was over, while Mr. Van Buren, both by his own conduct, and that of his friends, gave an undaunted support to that masterly stroke of the President; is this also to be called a non-committal line of conduct, and the evidence of a temper that sees the issue before it decides? The fact is, this ridiculous and nonsensical charge, is so unfounded and absurd, so easily refuted, and not only refuted, but turned to the honor and advantage of Mr. Van Buren, that his friends might have run the risk of being suspected of having invented it themselves, and put it into circulation, just to give some others of his friends a brilliant opportunity of emblazoning his merits! were it not that the blind enmity of his competitors has put the accusation upon

record, and enabled his friends to exculpate themselves, and to prove home the original charge against his undisputed opponents.

For one thing Mr. Van Buren has reason to be thankful to his enemies; it is, for having began the war upon him so soon! There is time enough yet for truth and justice to do their office, and to dispel every cloud of prejudice which the jealousy of rivals, the vengeance of the Bank, and the ignorance of dupes, has hung over his name.

Union, harmony, self-denial, concession—every thing for the cause, nothing for men—should be the watchword, and motto of the democratic party.

Disconnected from the election—a voter, and not a candidate—having no object in view but to preserve the union of the democratic party, and to prevent the administration of the public affairs from relapsing into hands that would undo every thing; hands that would destroy every limit to the constitution, by latitudinous constructions—which would replunge the country into debt and taxes, by the reckless, wilful, systematic, ungovernable, headlong, stubborn, support of every wasteful and extravagant expenditure—that would re-deliver the country into the hands of an institution which has proved the scourge of the people—and which would instantly revive the dominion of paper money, by arresting the progress of the gold and silver currency: having no object in

view but to prevent these calamities, I may be permitted to say a word, without incurring the imputation of speaking from interested motives, on the vital point of union in the democratic party.

The obligation upon good men to unite, when bad men combine, is as clear in politics as it is in morals. Fidelity to this obligation has, heretofore, saved the republic, and was never more indispensable to its safety than at the present moment. The efforts made under the elder Adams, above thirty years ago, to subvert the principles of our Government, produced a union of the *productive and burthen-bearing* classes, in every quarter of the republic. Planters, farmers, laborers, mechanics, (with a slight infusion from the commercial and professional interests,) whether on this side or that of the Potomac, whether east or west of the Alleghany mountains, stood together upon the principle of common right, and the sense of common danger, and effected that first great union of the democratic party which achieved the civil revolution of 1800, arrested the downward course of the Government, and turned back the national administration to its republican principles, and economical habits.

The sagacious mind of Mr. Jefferson well discerned, in the homogeneous elements of which this united party was composed, the appropriate materials for a republican government; and to the permanent con-

junction of these elements, he constantly looked for the only insurmountable barrier to the approaches of oligarchy and aristocracy. Actuated by a zeal which has never been excelled, for the success and perpetuity of the democratic cause, he labored assiduously in his high office, and subsequent retirement, in his conversations and letters, to cement, sustain, and perpetuate a party, on the union and indivisibility of which he solely relied for the preservation of our republic. It was the political power resulting from this auspicious union, (to say nothing of several other occasions,) which carried us safely and triumphantly through the late war; enabling the Government to withstand, on one hand, the paralyzing machinations of a disaffected aristocracy, and to repel on the other, the hostile attacks of a great nation.

The first relaxation of the ties which bound together the democracy of the North and South, East and West, was followed by the restoration to power of federal men, and the re-appearance in the administration of federal doctrines, and federal measures.—The younger Mr. Adams crept into power through the first breach that was made in the democratic ranks; and immediately proclaimed the fundamental principles which lie at the bottom of ancient federalism, and modern whiggism—“*the representative not to be palsied by the will of his constituents;*”—

“*constitutional scruples to be solved in practical blessings;*”—two doctrines, one of which would leave the people without representatives, and the other would leave the Government without a constitution. The ultra federalism of this gentleman’s administration, fortunately for the country, led to the re union of those homogeneous elements, by the first union of which the elder Mr. Adams had been ejected from power ; and this re-union immediately produced a second civil revolution not less vital to the republic than the first one, of 1800 ; a revolution to which we are indebted for the election of a President who has turned back the Government, so far as in his power lies, to the principles of the constitution, and to the practice of economy—who has directed the action of the Government to patriotic objects—saved the people from the cruel dominion of a heartless moneyed power—withstood the combined assaults of the bank, and its allied Statesmen—and frustrated a conspiracy against the liberty and the property of the people, but little less atrocious in its design, and little less disastrous in its intended effects, than that conspiracy from which Cicero delivered the Roman people, and for the frustration of which he was hailed by Cato, in the assembled presence of all Rome, with the glorious appellation of *Pater Patriæ*—Father of his country.

The democracy of the four quarters of the union,

now united, victorious, happy and secure, under the administration of President Jackson; shall it disband, and fall to pieces the instant that great man retires? This is what federalism hopes, foretels, promotes, intrigues, prays, and pants for. Shall this be—and through whose fault? Shall sectional prejudices, lust of power, contention for office, (that bane of freedom;) shall personal preferences, so amiable in private life, so weak in politics; shall these small causes—these Lilliputian tactics—be suffered to work the disruption of the democratic union; to separate the republican of the South and West, from his brother of the North and East? and, in that separation, to make a new opening for the second restoration of federalism, (under its *alius dictus* of whiggism;) and the permanent enslavement of the *producing, and burthen-bearing* classes of the community?

Bear with me if I speak without disguise, and say, if these things happen, it must be through the fault of the South and West.

Here are the facts:

It has so happened that, although every Southern President (four in number) and the only Western one (through his two terms) has received the warm support of Northern democracy, yet no Northern President has ever yet received the support of the South and West. Hitherto this peculiar, and one-sided result, has left no sting—created no heart

burnings, in the bosom of Northern democracy, because it was the result, not of sectional bigotry, but of facts, and principles. The administrations of the two Northern Presidents were alike offensive to republicans of all quarters, and were put down by the joint voices of a united Democracy.

But suppose this state of things now to be changed, and a democratic candidate to be presented from the North ; ought that candidate to be opposed by the democracy of the South and West ? Suppose that candidate to be one coming as near to the Jeffersonian standard, (to say more might seem invidious ; to say that much is enough for the argument,) suppose such a candidate to be presented ; ought the democracy of the South and West to reject him ?— Could they do it, without showing a disposition to monopolize the Presidential office ? and to go on for an indefinite succession, after having already possessed the office for forty years, out of forty-eight ?— What would be the effect of such a stand, taken by the South and West, on the harmony of the democratic party ? Certainly to destroy it ! What would be its effect on the harmony of the States ? Certainly to array them against each other ! What would be its effect on the formation of parties ? Certainly to change it from the ground of principle, to the ground of territory ! to substitute a geographical

basis, for the political basis, on which parties now rest! Could these things be desirable to any friend of popular government? to any considerate and reflecting man in the South or West? On the contrary, should not the democracy of the South and West, rejoice at an opportunity to show themselves superior to sectional bigotry, devoted to principle, intent upon the general harmony, inaccessible to intrigue, or to weakness; and ready to support the cause of democracy, whether, the representative of the cause comes from this, or that side, of a river, or a mountain?—A Southern and a Western man myself, this is the State of my own feelings, and I rejoice to see that your convention has acted upon them. And if, what I have here written, (and which I could not have written if I had accepted the most honorable and gratifying nomination of your convention,) if this letter, too long for the occasion, but too short for my feelings! if it shall contribute to prevent the disruption of the republican party, and the consequent loss of all the advantages recovered for the constitution and the people, under the administration of President Jackson, then shall I feel the consolation of having done a better service to the republic by refusing to take, than I can ever do, by taking office.

Hoping then, my dear sir, that the nomination of your convention may have its full effect in favor of

Mr. Van Buren, and that it may be entirely forgotten, so far as it regards myself, except in the grateful recollections of my own bosom, I remain most truly and sincerely, yours,

THOMAS H. BENTON.

Maj. Gen. DAVIS, Manchester, Mississippi.

*Substance of Mr. VAN BUREN's Speech in 1824,
in the Senate of the United States, in favor of
the bill abolishing imprisonment for debt.*

[One of the first measures proposed by Mr. Van Buren as a member of the Legislature of New-York, was a bill to abolish imprisonment for debt, except in cases of fraud, malicious injury, and gross breach of trust. For several years in succession he introduced and warmly urged bills to this effect, in the State Senate, and at length succeeded in obtaining the concurrence of that body; but as the bill failed in the Assembly, this great improvement in jurisprudence, was not ultimately adopted in New-York, until some years after he had been transferred to the Senate of the United States. In that body he also distinguished himself, along with Col. JOHNSON and others, in endeavouring to efface this relic of barbarism from our national system. The following is a brief outline of one of his speeches on the subject. The sketch is quite imperfect, but will repay an attentive perusal.]

Mr. VAN BUREN, said that his preference for the bill was founded on an entire conviction, that whilst it secured to the creditor means for the collection of his debt, of far greater efficacy than those now allowed by law, it would, in all the cases which are

subject to its operation, effectually remove that foul stain upon our jurisprudence—the power of a creditor to deprive his debtor of his liberty, on account of his inability to pay the debt he owes;—a power which confounds the distinction between virtue and vice, and which, contrary to the fitness of things, awards the same measure of punishment for misfortune as for fraud, but in its practical operation inflicts that punishment upon the unfortunate only, whilst the really guilty laugh at its impotent and unavailing provisions.

Mr. V. B. would first consider the effect of the bill, upon the ability of the creditor to collect his debt. On this point it is to be observed that the debt can only be paid by *property*. To reach that, then, is the only object. Beyond that, it is conceded by all, that imprisonment is not only useless but indefensible.

By the existing law, bail is allowed on mesne process, and jail limits on an execution against the body. Those who have the property you are in pursuit of, will get bail for both these objects. This we know. Now what is the character of such imprisonment and what are its effects? In this respect, the state laws govern. In their legislatures, the same disposition has been manifested, which is every where evinced, when the subject is acted upon—that is to say—an entire willingness to surrender the *substance*, ac-

accompanied by a mysterious adherence to the *form*. The jail limits are in some places parts of the town or city where the jail is situated; in others, the whole town or city; and in many cases the whole county. What can the debtor do who has property to pay his debts but is destitute of the inclination and the honesty to apply it? He can take a house within the limits, partake of the domestic comforts of his family, and live in such style as his inclination suggests and his means allow of.

On this point other Senators will speak from their own observation: according to his experience and observation, Mr. Van Buren thought that in the great mass of cases, the existing remedy was wholly inefficacious, to wrest the property of an unwilling debtor from his grasp. Let us now look to the effect of the substitute proposed. What is that substitute?—It is the reverse of the present system. It makes imprisonment what it should be—a harsh means to secure a justifiable end. If the debtor contemplates a fraud upon his creditor—if he intends to betray the trust reposed in him by withdrawing his person from the process necessary to arrive at his property, he may, on the oath of the creditor, be arrested, and subjected to close custody, unless he gives bail that he will be forthcoming. If a debtor has practiced a fraud upon his creditor, by concealing or transferring his property, to evade the payment

of his debts, or even by so investing it as to exempt it from execution, the creditor, on an affidavit of his suspicion only, may arrest him ; may subject the fact to judicial examination, and hold him to bail for his appearance, to abide the result of such examination. He may, by the amendment of the gentleman from Delaware, examine the debtor on oath, and confront him with his trustees and confederates, and if the fact is found against him, by a jury of his country, his condition is changed, and from the mere delinquency of a debtor, his situation becomes assimilated, in a great degree, to that of the felon.— And the treatment he thereafter receives, is as it ought to be, of a similar character.

Instead of residing in the bosom of his family, rioting on the fruits of his fraud, whilst his more honest creditor and his family are deprived of their bread by their misplaced confidence, he will be stripped of these indulgences ; he will be torn from the parental board which he contaminates, and from a society which he corrupts, and placed where he ought to be, in the walls of a prison, under the restraints of grates and bars. The character of fair dealing between man and man, is promoted, when the guilty are punished. Mr. V. B. appealed to every man of reflection to tell him whether he was not satisfied that means like these will go further to secure the real

interests of the creditor, than the pitiful and intricate machinery of the present system ?

In addition to this is the right given by the proposed bill to imprison, on evidence of the concealment of the fraudulent debtor. This feature is desirable—not only because it secures the punishment of the guilty, but because it marks the distinction between fraud and misfortune, the great point which has always been desired by the friends of humanity. It is not the privations of the fraudulent, which have so constantly excited the disciples of philanthropy. It never has been any where disputed, that the fraudulent debtor deserved all, and more than all, the stipulated rigor of the present law. But it has been because what *he* deserved, had been heaped upon the head of the innocent and the unfortunate, that so much sympathy had been excited. That distinction, if the bill passes, will be made, so far as the courts of the United States are concerned. Those high grades of fraud which add to the breach of moral obligation ; the violation of public trust, (being the cases of public officers embezzling public monies,) those of a second grade, which consists in the violation of trusts reposed by those who have gone to their long account, and which are practised to the injury of the widow and orphan, (the case of embezzlement by executors, administrators, and guardians) and the simple frauds practiced by man upon

his fellow man, when dealing at arms length, all when duly ascertained and proved will be punished by the provisions of this bill as they deserve. In such imprisonment all will acquiesce; by it the claims of justice will be satisfied, and no moral feeling violated. On a man imprisoned for such cause, the community would look with feelings of indifference. They might pity the depravity, and despise the meanness of spirit, which had brought him to that condition; but real sympathy would, in such cases, be strangers to their bosoms. But imprisonment of the unfortunate debtor, whether it consists of many or a few, ought every where to be regarded as an outrage upon the moral sense of a civilized and christian community. Such are the provisions of the bill on the table; and such the additional remedies given to the creditor.

Now what are the rights of the creditor surrendered?—they consist—

1st. In the privilege of arbitrary arrest or *mesne* process.

2d. In arbitrary imprisonment on execution.

As to the *first*. By the law as it will stand if the bill passes, the creditor, on his own affidavit, of the existence of the debt, and apprehension of departure, may arrest. By the law, as it now stands, in most of the states, the creditor may, without proof of the debt, hold the person whom he chooses to consider

his debtor, to bail, in any amount he pleases, and imprison him at least for a season, unless he obtains bail. Is this right? Contrast it with proceedings for crime. No man can be arrested for any crime, not even for the lowest, without previous affidavit of crime committed, and suspicion, at least, as to the author, and after arrest, he cannot be committed without previous and full examination of the circumstances upon which that suspicion rests. But in a civil case, a man may be arrested and committed for trial, at the will and pleasure of his fellow citizens. Is there not a repugnance in these provisions as revolting to our feeling, as it is destructive of sound policy? Will any man believe, that if any legislature of any country were to sit down to form a system combining both subjects, one involving such discrepancy would be adopted? They surely would not. Mr. V. B. put the question to honorable Senators, if the whole matter was before you, and you were now, for the first time, to act upon it, would you do so? Every honorable member will at once answer that he would not, and still we are content to acquiesce in what is, because it has been, and to continue the toleration of abuses plain and manifest as the meridian sun, rather than give ourselves the trouble to break the fetters by which sturdy habit has bound us.

As to the *second*. The right of arbitrary impri-

sonment on the execution, without fraud or concealment proved. Upon whom does it fall? Mr. V. B. had already shown that those who have property will get bail. It is therefore the poor and friendless only who feel its rigor. Its inhumanity and its injustice as it bears upon them, are too manifest to need elucidation. All acquiesce, or, at least, seem to do so, in this view of the case. In a word, it is punishment without guilt, which no man will approve. It is punishment without expiation—punishment at which the best feelings of our nature revolt. In criminal cases, by the lapse of time, the measure of personal suffering becomes full, and the claims of public justice are satisfied. Not so with the imprisoned debtor. The sun rises and the sun sets ; but his condition remains the same, and if death sets his spirit free, the creditor not only succeeds to his dead body, but to whatever estate accident may have devolved upon him. Imprisonment is not only of such character and consequence to the unfortunate debtor himself, but its injurious consequences, without benefitting the creditor, embrace the still more innocent family of the debtor, by depriving them of all means of support.—More and worse than this—operate as a public injury, by preparing its subject for the commission of crime, by destroying his pride of character, and by corrupting his principles ; so that when he is again let loose upon society, by the humanity of the

insolvent laws, or the relenting disposition of the creditor, he comes forth a confirmed misanthropist, if not a ready depredator on the property of others. Viewed therefore in whatever light it may be, the imprisonment of the unfortunate debtor is a matter of unmixed mischief, which ought no where to be tolerated, which is no where justified in terms, though it is supported in substance.

Mr. Van Buren said he would now consider the character and effect of the imprisonment now allowed. What are its advantages?—It is justified as a means to compel the debtor to disgorge concealed property. Mr. V. B. had already shown that as to him who has property to disgorge, and can therefore secure the privilege of the limits, the measure is wholly inoperative.

Upon those who have no property, it is not only wholly ineffectual, but very oppressive. It is punishing first and enquiring afterwards. It is inflicting severe chastisement for a supposed injury to an individual, constituting the injured party both judge and jury. It partakes of the character of the *rack*, putting its victim to the torture, without knowing whether he has any thing to confess or not. It is said that to repeal the old law, would deprive the creditor of one of his securities. As the bill now stands, with its operation confined to contracts which

are made after the fourth of July next, it cannot be said to deprive the creditor of any security which he possessed, at the time of entering into the contract. It can therefore only be objectionable, if objectionable at all, because it will prevent the taking of future securities of that character. Mr. V. B. said, that with him the greatest merit of the bill was that it produces that effect. Mr. V. B. agreed fully with a distinguished writer, who says, that he who trusts, with a design to sue, is criminal by the act. What is it?—Strip the transaction of the drapery of courts, officers, and forms of proceeding, which are but the instruments of the law, to give effect to the contract as made between the parties, and suppose the contract to express all that by the law, as it stands, it implies. It would then provide that if the debtor failed on the appointed day to pay the debt he had contracted, it should be lawful for the creditor to tear him from his family, and to restrain him of his liberty, by confining him within prison walls, whether his inability to pay arose from misfortune or fault, and whilst so confined to leave him to be sustained by his own resources, or if he had none by the charity of his fellow-citizens, until he should be discharged by their humanity, or the humanity of the laws of his country. Suppose a contract thus actually written out—what would a christian community say to such

a bargain? In what portion of this country would the man who had dared to enter into it, venture to expose his person to the hisses of his fellow-citizens? And still this is but the unvarnished statement of a transaction which, when disguised by the intervention of courts, and consecrated by immemorial usage, receives the vigorous support of some of the best and wisest men that our country produces. Sir, said Mr. V. B. I am for breaking up contracts of this character. I would dissolve this alliance which is supposed to exist between the counting house and the jail. I would compel men to conduct their dealings on higher and better principles, and to look to better grounds of reliance, than to bailiffs and turnkeys.—I would have them depend upon the character or property of those with whom they deal; and rest assured the best results would flow from the establishment of such a system. It cannot be necessary to state, that in all dealings upon credit, the terms of the contract will be greatly controlled by the nature of the security. What must be the terms of those bargains which mainly depend upon a security of this description? Can they be otherwise than the operations of griping avarice upon helpless poverty, or of cupidity and cunning upon improvident and dangerous speculations? They must, in the nature of things, be of this character. If this system be abo-

lished, those who desire credit will pursue a different course to obtain it. They will seek to inspire confidence by industry, probity, and punctuality.— By this course they will be sure to obtain it, and the credit they thus obtain will elevate their character, increase their happiness, and benefit the community.

It is further objected that the alteration of the system will impair credit. Mr. V. B. had already stated what species of credit it must necessarily be, which would be thus impaired, and how little objection exists against putting a check upon such credit. But what reason is there to believe that this apprehended effect upon credit, would be produced. In this, as in all other cases, speculation must yield to fact, or you are led into error.

The suggestions of experience must be listened to. How stands the fact? What is the condition of the credit most prevalent in the country; that on which nine-tenths of the every day business of the country rests? It is bank paper. And what security does the holder of a bank note ask or receive, when he takes it? The right to imprison the drawer? No! he never thinks of it. He will sell his estate, and take in payment the notes of associated individuals, without its ever occurring to him, that the right to imprison the drawer, is not secured to him; but if he sells a horse, or a cow, and takes the note of a single

individual, he deems it a matter of vital importance, that his lien upon the body of debtors should be protected by the strongest statutes. When you pay an annual premium to secure your houses against the flames, or your vessels against winds and waves, do you think of the right to imprison? No. But when we dole out a miserable pittance of their cargo, this hankering after corporeal security possesses us. Such are the miserable contradictions into which we are led by the blind force of habit. But suppose a check is put to credit. Is it certain that such a result would be an evil? Mr. V. B. thought not.—He thought, on the contrary, that much of the distress which has prevailed, and in some places continues to prevail, arose from the unrestrained credit which has been given in this country. It has led to extravagancies in every form. In the manner of living, in buildings, in equipages, in dress and ornaments, in every thing, you have seen its pernicious influence. The frugal habits of our ancestors who dealt in the property they actually had, have given way to the prodigality of those who deal in the ideal capital which credit has given them, and the consequence has been that we have lost that independence our ancestors possessed. Without enlarging upon the subject, Mr. V. B. was satisfied, that a check to credit, so far from being objectionable, was desirable.

We have seen that we cannot check the improvidence of the debtor ; let us therefore endeavor to restrain the cupidity of the creditor. In every point of view, therefore, in which he had been able to consider the subject, Mr. V. B. was decidedly in favor of the bill; and he trusted it would receive the approbation of Congress, and of the country.

A CARD.

Democratic friends in all parts of the Union disposed to circulate this work, are informed, that all orders directed to the publisher for copies either in sheets or bound, (*post paid*,) will be promptly attended to.

WM. EMMONS.

Washington, Feb. 1835.

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